DOCUMENT RESUME

ED 140 445 EA 009 606

TITLE	" . . . To Form a More Perfect Union . . . " Justice for American Women. Report.
INSTITUTION	National Commission on the Observance of International Women's Year, Washington, D.C.
PUB DATE	76
NOTE	394p.; Some parts may be marginally legible due to small type
AVAILABLE FROM	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock No. 040-000-00350-9, $5.20)
EDRS PRICE	MF-$0.83 HC-$20.75 Plus Postage.
DESCRIPTORS	Artists; Awards; Civil Rights; Court Litigation; Creative Activities; Day Care Services; Demography; *Equal Opportunities (Jobs); *Females; *Feminism; Guidelines; Income; Media Research; Pregnancy; *Sex Discrimination; *Sex Stereotypes; Television; *Working Women

ABSTRACT

This report was completed by a national commission appointed to promote equality between men and women. The first three parts are designed to impart to readers a sense of some of the barriers that keep women from participating in American life as full partners. The commission divided into committees to study these problems, then came together again as a unit to adopt 115 recommendations backed with documentation. Thus, the first three parts refer to commission action as a whole, not to actions of its separate committees. Part 4 lists the members of the commission. Part 5 contains the findings and the recommendations of the working committees addressed to the various agencies of government--federal, state, and local--that will be responsible for their implementation. Women and women's organizations are also addressed in a number of the recommendations. Reference material and original research, authorized by the commission, are summarized in part 6, the appendix. (Author/MLF)

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justice for american women

Jane M. D'Alelio incorporated into the cover design the official emblem of the United Nations in observing International Women's Year. Valerie Pettis designed that emblem to illustrate the themes of IWY: Equality, Development, and Peace. The design employs the mathematical symbol for equality, the feminine symbol, and the dove of peace.

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"...TO FORM A MORE PERFECT UNION..."

Justice for American Women

Report of the

NATIONAL COMMISSION ON THE
OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR
1976

"Inequality, injustice, lack of competition are gradually being removed from the American scene. I support the Equal Rights Amendment, just as I supported a new and broader extension of the Voting Rights Act. But I say emphatically, much more needs to be done.

"I hope and work for the day when competition, opportunity for all Americans, will be equal and totally fair without race, or religion, or sex ever being a factor. I hope and work for the day when the human mind and the human spirit are no longer shackled by ignorance and prejudice, when all the children of God are brothers and sisters."

President GERALD R. FORD,
North Carolina Central University,
November 14, 1975

Transmittal Letter

The President
The White House

Dear Mr. President:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and Secure the Blessings of Liberty to ourselves and our Posterity do ordain and establish this Constitution for the United States of America."

With this magnificent Preamble, our Nation's Constitution begins.

The "more perfect Union" did not come to full being immediately upon the ratification of the Constitution, any more than the desire "to establish Justice" did. But the ground rules had been written. A start had been made.

"We the People," the men and women of the United States, have worked now for two centuries to realize the goals of the preamble to the Constitution through amendments to that document and through social reform.

Despite the courage and dedication of many women, unsung in our country's history, there exists a common misconception that the women's movement began in the 1960's. The truth is that since the founding of our Nation there has been a strong impetus to gain a greater role for women than the narrow one prescribed for them by custom, tradition, and law.

It is clearly in an effort to "form a more perfect Union" that women and men have sought to increase the rights and responsibilities of all Americans regardless of sex, race, religion, or national origin. Often those seeking to change prejudices have met with hostility and ridicule. They have persevered. They have prevailed.

Many of the legal, social, political, and economic rights women enjoy and accept so naturally today were won for them at great personal cost and always in the face of public resistance by our mothers and grandmothers and great-grandmothers. We women of the 1970's have a legacy from those brave and determined women in our heritage. We have a responsibility to the young women who will come after us. We must continue to challenge the myths and laws that have kept women in their "place." Our daughters, as well as our sons, must believe they can go as far as their dreams and abilities will take them. We must encourage the growing recognition by women and men that equal rights is a matter of simple justice. The ratification of the Equal Rights Amendment is a logical and overdue step toward our historical commitment to "form a more perfect Union" and "establish Justice."

A true partnership of men and women throughout society, in the family, at work, in government, founded upon mutual respect and the recognition of the unique contribution each individual can make, will lead Americans toward the goals so gallantly set forth in the Preamble to the Constitution.

The National Commission which you appointed in April 1975 to "promote equality between men and women" was one distinguished by its diversity and by its commitment to being both thorough in its research and persuasive in its conclusions. For each recommendation, we have included the documentation which we found so compelling.

The National Commission spent nearly 12 months investigating the "barriers to the full participation of women in our Nation's life." As the recommendations contained in this report indicate, much needs to be done. I urge all Americans, women and men, government policymakers and private citizens alike, to read this report thoughtfully and to use the recommendations "to form a more perfect Union."

The work contained in this report represents a 12-month effort on the part of the Commission members and the staff of the Secretariat, without whose selfless dedication this task would have been impossible.

On behalf of the National Commission on the Observance of International Women's Year, I have the honor of submitting this report for your consideration and action.

Most respectfully,

Jill Ruckelshaus

Jill Ruckelshaus
Presiding Officer

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To The Reader

This is, first of all, a report to the President. It is also a report to the women and men of the United States and so it is put together in a way that is unusual for Presidential commission reports.

The first three parts are designed to impart to readers a sense of some of the barriers that keep women from participating in American life as full partners.

The Commission divided into committees to study these problems, then came together again as a unit to adopt 115 recommendations. Thus, the first three parts refer to Commission action as a whole, not to actions of its separate committees.

Part IV lists the members of the Commission. Part V contains the findings and the recommendations of the working committees. These are addressed to the various agencies of Government—Federal, State, and local—which will be responsible for their implementation. Women and women's organizations are also addressed in a number of the recommendations.

Useful reference material and original research, authorized by the Commission, are summarized in Part VI, the Appendix.

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PART I

Introduction

The Heritage and the Dream

Two centuries ago the noble experiment began—a republic known as the United States of America . . . whose citizens were to govern themselves by the principles of representative democracy . . . who were to thrive on a land blessed beyond measure with natural bounties.

The words of the Founding Fathers rang through the civilized world and down through the pages of history. To this day, the heart leaps to hear, "the right to life, liberty and the pursuit of happiness . . . with liberty and justice for all."

That was the dream.

The heritage—for many Americans—has been something less.

The power of the ballot, on which the noble experiment rested, was given only to certain Americans—to propertied males, but not females, to whites, not blacks. The practice disenfranchised Indians, slaves, the mentally unfit, criminals—and women.[1]

It was a time in which men dominated all affairs, including those of the home. A woman's brain was generally believed to be smaller in capacity and therefore inferior in quality to that of a man.

Indeed, in the view of John Adams and others who framed the laws of the new states, women were bracketed with children and apprentices.

A woman was expected to obey her husband or nearest of male kin. For her, marriage was "civil death," because her person and her property would be owned by her husband—a concept rooted in English common law and brought to this country by the colonists.

Only a few women were strong enough to perceive the injustice for what it was, and courageous enough to speak out against it.

Those indomitable few who sought equal treatment for themselves and their sisters were ignored, more often than not, as well as ridiculed, humiliated, and always bitterly opposed.

Although their numbers were few in the beginning, the women persisted. There were many setbacks. Hopes were dashed when the 14th amendment extended the right to vote only to male citizens. Two years later, in 1870, black males achieved suffrage through the 15th amendment.

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[1] Thomas Jefferson put it this way: "Were our State a pure democracy there would still be excluded from our deliberations women who, to prevent deprivation of morals and ambiguity of issues, should not mix promiscuously in gatherings of men."

It was to take another half century before all women won the right to vote in 1920 through the 19th amendment. Women continue to be denied the full protection of the 14th amendment by the Supreme Court itself.

In the decade that followed, women were becoming better educated . . . national organizations were formed and grew . . . In the forties and fifties their numbers in the labor force climbed dramatically . . . Almost always, if they were married, they did double duty at work and at home.

World War II brought new, traumatic experiences to women—early marriage, psychological problems, family separations, divorce, early widowhood—forging, in many instances, new strengths.

And now, the modern-day daughters of those early heroines are moving forward with a new self-esteem and sense of sisterhood, embodying a new power in the Nation's affairs.

These women have used the law of the land, as blacks did before them, to win access to education, to employment, to full personhood. The doors are swinging open to a share of the nation's economic and political leadership.

They have won impressive rights—but, those rights are far from complete.

The women's movement of the seventies is the most recent phase in a groundswell to achieve the equality promised by the Declaration of Independence.

It is reaching to the far corners of the earth, where other countries now hear the demands of women.

In 1972 the U.N. General Assembly proclaimed 1975 International Women's Year (IWY).[2] President Ford named 35 prominent men and women to serve as the U.S. Commission on the Observance of International Women's Year. Four congressional members were named—two from the Senate and two from the House.

To promote equality for women, to speed their full integration in social and economic development, and to recognize their importance in the pursuit of peace, a World Conference of International Women's Year was held in Mexico City from June 19 to July 2, 1975.

The Conference bore fruit in a World Plan of Action, portions of which were endorsed in December 1975 by the U.N. General Assembly.[3]

In capsule form, that is the heritage.

The dream is still in the making.

It is spelled out in these pages, in the vision of a better and more just life for women and men in the Nation, based on the studies and recommendations of the U.S. Commission on the Observance of International Women's Year.

Full partnership for the homemaker . . . and for the woman in the work place . . ., reproductive freedom, as well as responsible choice . . ., passage of the Equal Rights Amendment—all these and many more are part of the dream. It is the duty of every citizen who cherishes the Declaration of Independence to help it come true.

The Commission and the writer-editor are pleased to acknowledge that this section was written by Vera Glaser, a reporter and columnist who was a member of the 1969 President's Task Force on Women's Rights and Responsibilities.

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[2] U.S. delegates to the U.N. Commission on the Status of Women helped initiate the resolution which the General Assembly later acted upon.

[3] See World Plan of Action—a Decade for Women and Development (summary), in Part VI.

Historical Notes on the Growth of the Women's Movement

Early in 1776, as patriots were demanding a Declaration of Independence, Abigail Adams wrote her husband John:

> ". . . in the new Code of laws . . . I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If perticuliar care and attention is not paid to the Ladies we are determined to foment a Rebelion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.
>
> That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute, but such of you as wish to be happy willingly give up the harsh title of Master for the more tender and endearing one of Friend. Why then, not put it out of the power of the vicious and the Lawless to use us with cruelty and indignity with impunity. Men of Sense in all Ages abhor those customs which treat us only as the vassals of your Sex. Regard us then as Beings . . ."

John's bantering reply called his wife "saucy." "Depend upon it," he wrote her, "we know better than to repeal our Masculine systems."

Abigail Adams' letter spoke for those colonial women who wove cloth, preserved food, farmed, butchered, and often worked side by side with their husbands in trade. Even though these women were subordinate, they were highly valued for skills they performed in the labor-short economy. By contrast, a wellborn woman's worth was measured by the prestige she could bring her husband through her birth and family connections.

The Revolution and, a few decades later, Jacksonian democracy unleashed ideas that gave ordinary people a new view of their own potential. Small shops expanded into great stores; industry grew; the manufacture of cloth moved out of the home. Men moved from a home-oriented, stable culture into an expanding world of educational, business, and financial opportunity.

Women, on the other hand, found their spheres had narrowed; they were now less important to men. Their sense of self-worth suffered. Shut out of the larger world, many began to find that the qualities that counted most were piety, purity, submissiveness, and domesticity.

A few women found expression for their

Women's Suffrage Leaders in the United States

Elizabeth Cady Stanton, 1815–1902, organized the Woman's Rights Convention at Seneca Falls, N.Y. in 1848 and was the first president of the National Woman Suffrage Association.

Susan B. Anthony, 1820–1906, was the organizer of the National Woman Suffrage Association. She lectured and campaigned widely advocating giving women the right to vote.

Carrie Chapman Catt, 1859–1947, was one of the women's suffrage leaders in the campaign resulting in adoption of the 19th amendment to the Constitution in 1920.

Lucretia Mott, 1793–1880, was associated with Elizabeth Cady Stanton in calling the Seneca Falls Woman's Rights Convention. She also was active in the antislavery movement.

Colonial women were valued for their skills, such as weaving cloth.

nonconformist intellectual drives in the reform movements which were surging through the churches. They became this nation's crusaders in missionary work; education societies; and the movements for antislavery, temperance, and eventually women's rights.

The Seneca Falls convention of 1848, the first women's rights meeting in America, drew more than 250 women and about 40 men, who arrived in buggies and wagons drawn by farm horses. They met for 2 days and demanded opportunities for women in education; trade; commerce; the professions; and rights in property, free speech, and the guardianship of their children. After much controversy, they took the daring step and asked for suffrage.

But many setbacks marked the struggle that followed. In particular women's hopes were dashed when the 14th amendment extended the right to vote only to all *male* citizens.[4] Two years later, in 1870, black males achieved suffrage through the 15th amendment. But it took 50 more, long years before all women won the right to vote.

Some historians say that feminism died after the woman's suffrage amendment (the 19th) was passed in 1920. Actually there were new forces at work which were reordering and extending women's interests in relation to socioeconomic events.

Prime among them were the women's organizations, some of which had their beginning in the 19th century.

In 1882 a group of women who had obtained college degrees despite great obstacles came together to see how they could make education useful. Their first study was of women's health and physical education. They sought to counter the attitude that young women could not undergo the intellectual strain of schooling without damaging their health. This group later became the American Association of University Women.

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[4] The second section of the 14th amendment placed in the Constitution for the first time the word "male." Three times the word "male" was used in conjunction with the term "citizens." In 1874 the U.S. Sup. Ct., in the case of *Minor v. Happersett*, held that the Constitution did not confer the right of suffrage on those who were citizens at the time it was adopted, and that the States, having withheld voting rights from certain classes of males, were equally within their rights in withholding suffrage from all women.

"I believe we will have better government in our countries when men and women discuss public issues together and make their decisions on the basis of their differing areas of experience and their common concern for the welfare of their families and their world . . . Too often the great decisions are originated and given form in bodies made up wholly of men, or so completely dominated by them that whatever of special value women have to offer is shunted aside without expression . . ."

Mrs. Eleanor Roosevelt,
U.N. General Assembly,
December 12, 1952

Mrs. Edith Sampson (left), U.S. delegate to the United Nations, with Mrs. Eleanor Roosevelt in 1950.

Photo courtesy of Arnold C. DeMille.

Churchwomen founded the Young Woman's Christian Association out of concern for the plight of women flocking to eastern city factory jobs where they endured sweatshop conditions.

The General Federation of Women's Clubs, formed in 1890, was the outgrowth of the Sorosis Club organized 21 years earlier by a newspaperwoman, Mrs. Jane C. Crolly, because the all-male New York Press Club would not admit her to a dinner honoring Charles Dickens.

Early 20th century organizations also laid much of the groundwork for the women's movement of the 1960's. The National Women's Party, founded in 1913 to advance the suffrage movement, also spearheaded the introduction of the first Equal Rights Amendment in Congress in 1923.

In 1920, the League of Women Voters was formed by former suffrage workers to educate the new women electorate.

The National Federation of Business and Professional Women's Clubs, one of the strongest forces behind the drive for ERA ratification today, was formed in 1919. Its roots go back to World War I when the U.S. War Department organized a Woman's War Council to mobilize business and professional women to support the war effort.

All of these groups gained strength and status throughout the twenties and thirties when millions of American women came together in weekly or monthly meetings to discuss civic, business, cultural, and personal problems and their solutions. While those meetings were nothing like the consciousness-raising sessions of the sixties, these organizations built a broadbased constituency and leadership for later action.

At the same time, many American women were applying the feminist momentum to their private lives.

The family sociologist Alice S. Rossi describes the thirties as a time when "women earned the highest proportion of advanced degrees in the history of American higher education. So too, the proportion of women in the labor force continued to climb dramatically throughout the 1940's and 1950's . . . Strong-minded descendants of the suffragists between 1920 and 1960 were pouring much of their energy into education and employment, and if they were married they did double duty at work and at home; such a profile leaves little time and energy for political involvement."[5]

Women went into the labor market as never before during World War II. When the war was

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[5] Alice S. Rossi, *The Feminist Papers*, N.Y.: Columbia University Press, 1973, p. 617.

In April 1973 the American Telephone and Telegraph Company agreed to give women and racial/ethnic minorities equal job opportunities. The agreement was reached with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Labor. At the signing of the consent decree, seated from left, are: David K. Easlick of AT&T; William H. Brown III, EEOC chairman; and Richard F. Schubert, Under Secretary of Labor. Standing, from left, are: Lee Satterfield of AT&T; William J. Kilberg, Solicitor of Labor; and Karl Heckman of the Labor Department.

over, however, Rosie the Riveter was urged to go home. Many Rosies did. Women's focus was once again on homemaking and babies.

Eleanor Roosevelt, who had been speaking to readers in a daily newspaper column ever since 1935, became an inspiration and role model to thousands of women.

Other elements entered the American scene. Black Americans were protesting their second-class citizenship. Women, who had long recognized the parallel between injustice to blacks and injustice to women, were encouraged by the success of the civil rights movement.

Advances in contraceptive technology gave women a chance to space their children. Better family planning resulted in better health and allowed women to participate more fully in public life.

Women were beginning to recognize that full-time homemaking was not the best of all possible worlds for everyone, especially after children went off to school. And women alone—divorced, widowed, or separated—found it hard to support themselves in a society where businesses, industries, and universities often did not regard women as full partners.

Authors such as Margaret Mead, Virginia Woolf, Simone de Beauvoir, Jessie Bernard, and others began to examine the conflicts and injustices. Betty Friedan's *Feminine Mystique* captured a popular audience. And the drive for self-fulfillment and equal justice was launched with new vigor.

In 1963 the President's Commission on the Status of Women, which had been chaired by Eleanor Roosevelt until her death in 1962, documented many inequalities, especially in education, employment, legal status, and politics.[*]

The demand for justice grew. New and powerful women's rights groups were formed, and the older, established women's organizations renewed their interest in the movement for equality. Among the powerful new women's groups were the National Organization for Women, the Women's Equity Action League, the National Women's Political Caucus, and the National Association of Commissions for Women.

Under pressure from women's groups, Congress enacted a series of laws beneficial to women. Among them were the Equal Pay Act, title VII of the Civil Rights Act of 1964, passage of the Equal Rights Amendment and subsequent submittal to the States for ratification, and title IX of the Education Amendments of 1972 banning sex discrimination in education.

Status of Women Commissions were established by practically all governors, and the Federal Interdepartmental Committee and Citizens Advisory Council on the Status of Women provided leadership and held conferences of the State Commissions.

The Federal Government began expanding its antidiscrimination orders involving Federal contracts, so that women were included. In one landmark case, American Telephone and Telegraph Company (AT&T) agreed in 1973 to provide goals and timetables for increased utilization of women and racial/ethnic minorities. The agreement reached by AT&T, the Equal Employment Opportunity Commission, the Labor Department, and the Justice Department awarded $15 million in back pay to some 15,000 employees.

Meanwhile, the momentum continued on a worldwide basis and culminated with a U.N. conference in Mexico.

The World Conference held in Mexico City in the summer of 1975 drew 1,300 delegates from 130 countries and 7,000 persons, mostly women who came at their own expense, to the unofficial Tribune. Both of these bodies got mixed reviews. There was inadequate funding and a lack of serious commitment from the governments of member countries, lack of adequate space and technical assistance, and lack of power on the part of women attending.

It is important to realize, however, that these large bodies of diverse women did unite on goals. The unofficial Tribune debated various women's issues, and the Conference produced the World Plan of Action, many points of which were endorsed in December 1975 by the U.N. General Assembly.

"What awakened women want is respect and honesty so we do not need to role-play or manipulate men. . . . And, men must be persuaded that, as women are encouraged to develop as fully as possible as individuals, life for men will become freer, happier, richer and more rewarding."

From T[illegible]*utheran,*
magazine of the
Lutheran Church in America,
December 3, 1975

Senator Charles H. Percy of Illinois, a Congressional adviser to the U.S. delegation, has pointed out that

> "The Conference was an opportunity for women to meet, find reassurance in each other's experiences and gain new challenges in each other's ideas. The Conference toughened and matured the international women's movement. Women . . . began . . . building the informal associations and networks so important in the exercise of influence and power."

U.S. participation in International Women's Year got underway in 1972 when the U.S. Department of State set up an informal interagency group to plan for U.S. Government observance of IWY. This group made a number of proposals including suggested IWY activity for U.N. member states, creation of the U.S. Center for IWY, and establishment of the National Commission.

Things now began to move quickly.

A Presidential proclamation called upon the country to take stock of women's roles and "to provide for the observance of International Women's Year with practical and constructive measures for the advancement of the status of women."[7]

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[*] President Nixon's 1969 Task Force on Women's Rights and Responsibilities also summarized progress and outlined the job ahead.

The Department of State established the IWY Secretariat, responsible to Deputy Secretary Robert S. Ingersoll, to assist in preparing materials for the U.S. delegation to Mexico City and to act as staff for the National Commission. The U.S. Center for IWY at Meridian House was established to share information and to be a bridge between government and many nongovernmental organizations. Before 1975 was over, thousands of IWY programs had taken place throughout America.[8]

Early in the year President Ford created the National Commission, saying, ". . . Americans must now deal with those inequities that still linger as barriers to the full participation of women in our Nation's life . . ."

Thirty-five members were appointed from the private sector and four from Congress. Jill Ruckelshaus was named presiding officer. Funding came in the form of staff services or money contributed by Executive Branch agencies as their share in the government's observance of IWY.

Two hundred nongovernmental organizations concerned with women were asked to suggest areas the Commission should deal with, and as a result the Commission set up 13 work committees. An Interdepartmental Task Force to implement IWY projects within government departments was created.

The committees then went to work, broadening their expertise by adding public members and by holding many long, concentrated sessions. They called in expert witnesses, authorized certain original research and participated in a number of public hearings, under various auspices.

Among the larger hearings were:

- The Southwest Indian Women's Conference in Window Rock, Arizona. Annie Dodge Wauneka, Commission member and member of the Navajo Tribal Council, was the keynote speaker.
- Massachusetts public hearings for IWY held in Boston through the efforts of Representative Margaret Heckler, Congressional Commission member, and in Norton, Massachusetts, with the added sponsorship of Wheaton College.
- The Conference on Women in Public Life, sponsored by the Lyndon B. Johnson School of Public Affairs and the Lyndon Baines Johnson Library at the University of Texas in Austin. The Commission's Women in Power Committee participated extensively.

By early 1976 the Commission had adopted recommendations as those most imperative to eliminating the "barriers" to full justice.

But as one public Commission member said: "Sexism is still so rampant throughout our country, we could not possibly address ourselves to all the areas that need action in the few short months the Commission has had."

Two hundred years ago the Declaration of Independence said: "We hold these truths to be self-evident, that all men are created equal . . ." Commission members believe that women and men together will strive earnestly to make that principle a reality. They also believe it is urgent to extend full justice to American women in order "to form a more perfect union," as the Constitution promises.

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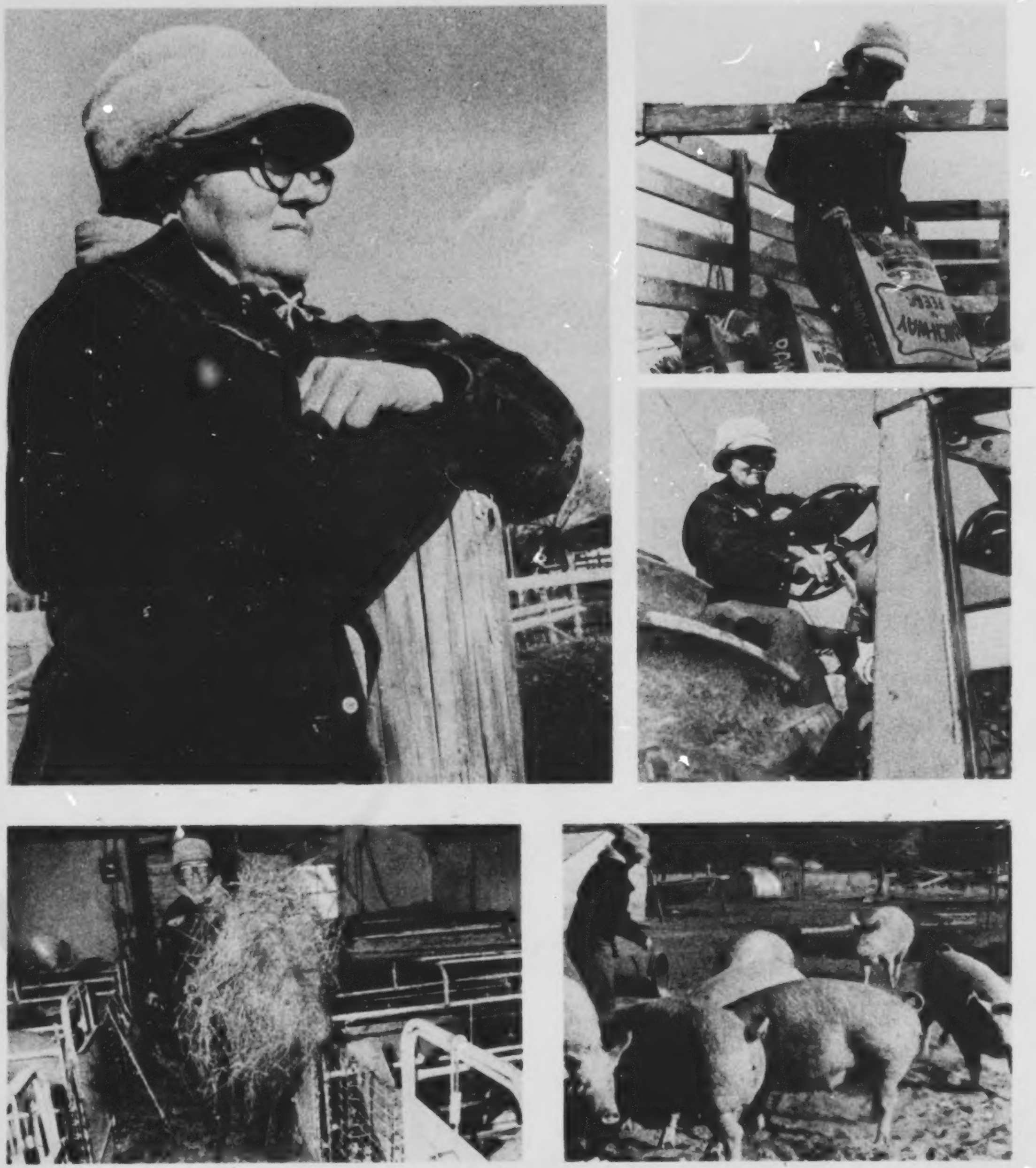
[7] President Nixon issued his proclamation on Jan. 30, 1974.

[8] Some of these programs were given in connection with U.N. Day, since the United Nations Association of the United States stressed IWY as a theme of the 1975 observance.

PART II

Today's Realities



Mary Heath knows the hard work required to operate a ranch in the Nebraska sandhills, because she did it with her husband for years before he died. She is adept at driving a tractor, feeding animals, lifting heavy loads. Because of inheritance tax laws which discriminate against the homemaker, she may be forced to sell her 3,395-acre spread outside Cody, Nebraska to pay the tax bill.

Full Partnership for the Homemaker

Mary Heath and her husband, Floyd, were ranchers outside Cody, Nebraska, working side by side for 33 years. Theirs was hard work because Cody is in the Nebraska sandhills where it seldom rains and 20 acres of grazing land is needed to supply just one cow.

Mary worked the cattle, helped with the haying, and raised hogs as a sideline.

The Heaths managed, with the help of their children, to build their farm up to 3,395 acres, not large in this age of agri-businesses, but large enough to support a family, providing the rains came.

Then in 1974, Floyd died and Mary inherited the property. She didn't expect any real problems since they had worked the farm together and the property was in both their names.

So it was a bitter blow when she learned she would have to pay $25,000 inheritance tax. Internal Revenue Service (IRS) explained that unless she could prove she had contributed money to the purchase or improvement of the ranch, it belonged entirely to her husband. Her years of work on the ranch did not count and the joint title was meaningless. (She had, of course, been given a marital deduction of one-half the estate plus the standard $60,000 exemption.) Mrs. Heath also learned that if she had died first, Floyd would not have had to pay one penny of inheritance tax.

Besides the bill from IRS, Mrs. Heath inherited a $40,000 debt and she has had to borrow another $5,000 to make the first payment to IRS. With cattle prices depressed, she is afraid she'll have to sell in order to pay the tax; the dream that she and Floyd had of leaving the property to their two sons will never come true. She also knows that with the price of land what it is today and with the high interest rates on borrowed money, it is unlikely that either of the boys can ever farm a spread of their own, though that is what they have prepared themselves to do.

Mrs. Heath's problem is one common to many widows, not just farm women. Whenever an estate is more than $120,000, a widow must prove she has contributed money to the purchase or improvement of the estate or face estate taxes. A homemaker's contribution to the family worth does not count, no matter how many meals she has prepared, no matter how many hours she has cleaned house, cared for the children, or spent in making and mending her family's clothing. (And if you think a $120,000 estate is a large one, just consider the cost of houses today.)

Mary Heath's problem, of course, is complicated by the fact that her living comes from the ranch. She wrote to Mrs. Doris Royal, who is organizing farm families to seek tax reform:

> "I don't know where I can get a job at my age [55] and I'm not old enough for Social Security. This is all the work I know how to do. I wouldn't even be able to get housework, for I'm not much good at that either. My work has been with cattle and hogs.
>
> "I had worked alongside of him from the time we got this place. I don't consider this place a gift. It makes me sick to think I'll lose everything my husband and I worked for. Unless times get better it could very well happen."[1]

Stories like Mary Heath's and her own experiences have moved Doris Royal of Springfield, Nebraska to action. During the blizzard of 1975, she says,

> "I was out in the snow all day helping get the cattle into the barn and throwing hay to them and getting everything ready for the storm.
>
> "I got back in the house after dark, worn out, and I said, 'Lloyd, do you realize that I haven't contributed a dime to this farm today, according to the IRS?' "

Mrs. Royal is a good example of the countless women, past and present, who have become angry at inequities and organized to bring about change. She has organized her neighbors and farm wives all over the country and sent a petition to Congress.

Her efforts are directed at curing or improving the problem for farm wives. But the same tax laws apply to all homemakers, and the principle underlying them is demeaning to all homemakers.

Thus the IWY Commission, as one of many important actions resulting from its deliberations, recommends that those provisions of the Internal Revenue Code relating to estate and gift taxes be amended to eliminate taxation on all transfers of property between husband and wife at death, and on all gifts between a husband and wife during their lifetimes. The Commission also recommends that State legislatures take similar action.

Full partnership in marriage has been a major goal of the women's movement since the first women's conference in Seneca Falls in 1848. A substantial part of the Declaration of Sentiments and Resolutions adopted there relates to the disabilities of married women.[2]

Elizabeth Cady Stanton in 1870 envisioned woman as an "independent, equal partner with man in the State, the church, the home."[3]

The President's Commission on the Status of Women in 1963 saw "marriage as a partnership in which each spouse makes a different but equally important contribution" with each spouse having a "legally defined substantial right" in the earnings of the other, in the property acquired during marriage, and in their management.[4]

In 1968, the Citizen's Advisory Council on the Status of Women had the same vision and pointed to specific reforms.[5]

But reform has been slow in coming, slower than in many other institutions in our society. There have been improvements since 1848, but much of the law still reflects the old common law concept of wife as the property of the husband.[6]

Married women without independent income are still by and large dependent on their husband's generosity and good will for their economic and even physical well-being.

The law in all but the eight community property States counts the homemaker's contribution for little or nothing.[7]

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[1] *New York Times*, Feb. 15, 1976, p. 1, and telephone calls to Mrs. Heath and Mrs. Royal.

[2] Hole and Levine, *Rebirth of Feminism*, N.Y.: Quadrangle Books, p. 6.

[3] Elizabeth Cady Stanton, "Anniversary of the National Woman Suffrage Association," *Revolution*, May 19, 1870, p. 306.

[4] President's Commission on the Status of Women, *American Women*, U.S. Government Printing Office, Wash., D.C., 1963, p. 47.

[5] Citizen's Advisory Council on the Status of Women, *Report of the Task Force on Family Law and Policy*, U.S. Government Printing Office, Wash., D.C., 1968, pp. 6 and 8.

[6] Blanche, Crozier, "Marital Support," 15 Boston University L.R. 28, 1935.

[7] Notable exceptions in the economic sphere exist in the five community property States in which women have recently won joint rights of management: Ariz., Calif., Idaho, N.Y., and Wash. In these States, wives, whether employed or unemployed, can pledge the husband's credit, and it is a violation of the Federal Equal Credit Opportunity Act for the creditor to refuse credit to a wife when it would be given to the husband. Thus, in these States homemakers have a means of enforcing support

"We have to take the 'just' out of 'just a housewife' and show our pride in having made the home and family our lives' work . . . Trying to open up new choices and opportunities, women must not underestimate their accomplishments in the home."

First Lady Betty Ford at IWY
Congress in Cleveland, Ohio
October 25, 1975

The Homemakers Committee (one of the 13 working groups of the Commission) and the Commission are committed to the proposition that a homemaker's contribution is equal in importance and value to the contribution of the spouse who works outside the home and that the Nation's laws should be based on this principle.

Social Security Coverage for Homemakers

The Social Security Act, and until recently its amendments, have reflected the prevailing image of the homemaker as an appendage of the husband—not a fully equal partner. Had she been considered an equal partner, the system would have credited her with half the benefits accruing from her husband's coverage with a right to keep the accrual at divorce, or at early widowhood.

The whole system has been built on a concept of the family structure that never was realistic or equitable for many families and is in urgent need of fundamental change.

Mrs. Marilyn Albrecht[8] of West Allis, Wisconsin, is an example of one type of inequity resulting from lack of social security coverage for the homemaker.

After working 12 years in positions covered by social security, she quit in 1960 to provide the special care and schooling required by her handicapped child. Mrs. Albrecht is now disabled with a heart condition and other serious medical problems. She is unable to care for her family, yet she is not eligible for a social security benefit, nor can she get Medicare. If her husband should die after her youngest child

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rights. In the eight community property States—La., Nev., and Tex. in addition to the five listed above—homemakers are joint owners of the property acquired during marriage, but traditionally have not had joint rights of management. For a more detailed explanation of property law see Anne K. Bingaman's article in the *Pepperdine Law Review* for Nov. 1975.

[8] Letter from Mrs. Albrecht, Nov. 12, 1975, and telephone conversation of Mar. 9, 1976.

reaches 18, she would not be eligible for a benefit based on his employment until she reached 50.

As Mrs. Albrecht says, a person who becomes disabled while working is eligible for a disability benefit with fewer years of coverage than she had. Because she stayed home to care for her child with special problems, she is ineligible. A disabled child with no employment is eligible for a benefit on the death of a covered parent, but a homemaker like Mrs. Albrecht, with 12 years of covered employment, is a "nothing."

There are several other types of inequities arising from the lack of coverage for homemakers. A homemaking wife, divorced after fewer than 20 years' marriage, has no social security protection based on her husband's employment. If she has been married more than 20 years prior to the divorce, she is eligible for a benefit only when he retires or dies.

The Commission, therefore, recommends that the homemaker be covered in her own right under social security to provide income security for the risks of old age, disability, and death. The Commission further recommends that the Secretary of Health, Education, and Welfare be directed to give a high priority to developing an administration proposal for achieving this purpose.

Divorce

In few areas of women's concerns is there more mythology than in divorce. A September 1975 survey conducted for the Commission by Market Opinion Research[9] revealed that only 14 percent of divorced women were awarded alimony and of this 14 percent only 46 percent were collecting regularly.

Only 44 percent of the divorced mothers were awarded child support, and of these only 47 percent were collecting regularly.

Put another way, this means that of every 100 divorced mothers only 44 were awarded child support and fewer than 21 were collecting it regularly.

Sixty-two percent of the divorced mothers reported they had less income than their former husbands. Other studies of child support indicate that fathers by and large are contributing less than half the support for children in divided families.[10]

Mrs. Doris Royal of Springfield, Nebraska testifying before the House Ways and Means Committee on March 17, 1976, on how estate tax laws treat homemakers unfairly.

In a 1975 hearing Judge Tim Murphy of the District of Columbia bluntly told a divorced mother with five children living at home that she must accept a "radical change" in her lifestyle because of the divorce. Although her husband made over $30,000 a year (more than $2,500 per month), Mrs. Klara Bolden had been awarded only $750 a month in alimony and child support (less than one-third of the income to support six-sevenths of the family). Mrs. Bolden had been married 29 years and had spent her life rearing 10 children. She had no marketable skills.

The judge had threatened to jail her for contempt of court because she had not moved out of the family home, which she had "voluntarily" agreed to sell at the time of the divorce. Proceeds from the sale were to be split with the husband.

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[9] See "Where Women Are Heading," summary of a poll of 1,522 U.S. women, 1975, Market Opinion Research in Part III.

[10] Citizens' Advisory Council on the Status of Women, "The Equal Rights Amendment and Alimony and Child Support Laws," Labor Department, Wash., D.C. 20210, 1972.

"Everyone is a homemaker because everyone, men and women, contributes in some way to the development of a home."

Jackie Mackay
National Officer
Future Homemakers of America

However, Mrs. Bolden had been unable to find a landlord who would rent to her because they did not consider her alimony and child support reliable income—a conclusion warranted by the facts. Mrs. Bolden's attorney asked her former husband to cosign the lease; he refused. Judge Murphy would not require him to sign it and threatened to jail Mrs. Bolden if she did not immediately try to sell the house.

In view of the fact that prior precedent-setting cases in the District of Columbia had awarded property to the spouse who contributed cash to it, Mrs. Bolden did better than most homemaking wives. It was, however, a little unfair of the judge to say that she voluntarily signed the agreement, implying that she "willingly" would give up the family home.

Mrs. Bolden's case is not unusual. In most States the laws relating to division of property at divorce, alimony, and child support simply do not take into account the contribution of the homemaker or the needs of children.

Law and practice relating to economic arrangements at divorce are important to all women because they are the concrete evidence of the support rights of a homemaker. The obligation of a husband to support his wife in an ongoing marriage has been *inferred* from the results in divorce proceedings, as pointed out in a leading text on family law.[11]

For reasons stated in more detail in the full recommendations of the Homemaker Committee in Part V of this report, the growth of no-fault divorce since 1933 has eroded or eliminated the leverage that dependent spouses had in divorce. That is, under former "fault" laws, a dependent wife was often able to strike a bargain for better support settlement from a husband who was anxious to obtain the divorce.

Only a few States adopting no-fault divorce have accompanied such action with other legal changes providing for more equitable division of property, maintenance, child custody and support, and enforcement of support orders.

The Uniform Marriage and Divorce Act proposed in 1970 by the American Bar Association is an improvement over the law in most States for reasons stated in the full recommendations.

The Commission therefore recommends the enactment of the economic provisions of the Uniform Marriage and Divorce Act with certain modifications. (See Part V for recommendation.)

Unfinished Business

There are a number of other problems of the homemaker the committee would have considered, given more time.

1. Should a homemaking wife (or husband) in an ongoing marriage have a means of enforcing support? Should there, for example, be drafted a model law requiring that creditors accord married women credit based on their husbands' credit standing, and that husbands be obliged to pay?
2. What are the ways for a community to provide assistance to a victim of wife assault?
3. Should judges be given less discretion in dividing property at divorce and settling alimony and child support?
4. Should the law require that the home be awarded to the spouse with custody of the children unless a different arrangement would be better for the children?
5. Should judges be required to set maintenance and child support so that the spouse with custody of children has no lower standard of living than the noncustodial spouse?
6. Should deductions by employers of maintenance and support from wages be automatic rather than at the discretion of the court?
7. Should maintenance be based on some formula taking into account the number of years spent primarily in homemaking and the income of the providing spouse?
8. Should Federal assistance to States in collecting child support be extended to include alimony (Section IV–D of Public Law 93–647)?

The committee hopes that these topics will be explored by other interested organizations, such as State, county, and city commissions on the status of women, bar associations, committees of State legislatures, and women's organizations.

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[11] Foote, Levy, and Sander, *Cases and Materials on Family Law*, p. 308.

Mass Media: Friend or Foe?

> Children use television characters as role models in deciding what they want to be when they grow up.
>
> Adults, as well as children, tend to identify most strongly with characters like themselves—characters of their own age, sex and race.
>
> A survey of the stories in women's magazines from 1940–1970 reported that women were portrayed in one of four ways: single, looking for a husband; housewife-mother; spinster; or widowed or divorced, soon to marry.
>
> Example is not the main thing . . . it is the only thing.[12]

The media have an enormous impact on the formation and reinforcement of behavior and attitudes. When women are constantly portrayed in stereotyped ways, these images affect their lives and their aspirations. Increasingly, women have become more concerned with their limiting portrayal and employment in the media.

In drafting media recommendations, the IWY Commission analyzed not only the image of women in the mass media, but also its power to influence American society, how this power could be used to eliminate sex discrimination, and the participation of women in its employment ranks.

Television: Content and Effect

Probably the most all-pervasive medium is television. Ninety-seven percent of all homes in the United States have television sets. Americans—mainly the very young, the old, and the poor—tune in about 6 hours a day; that's 2,400 hours a year. Between ages 2 and 65, the average person will watch 9 full years of television.[13]

And what do we see during all those years? Communications specialist, George Gerbner says,

> "Night after night, week after week, stock characters and dramatic patterns convey sup-

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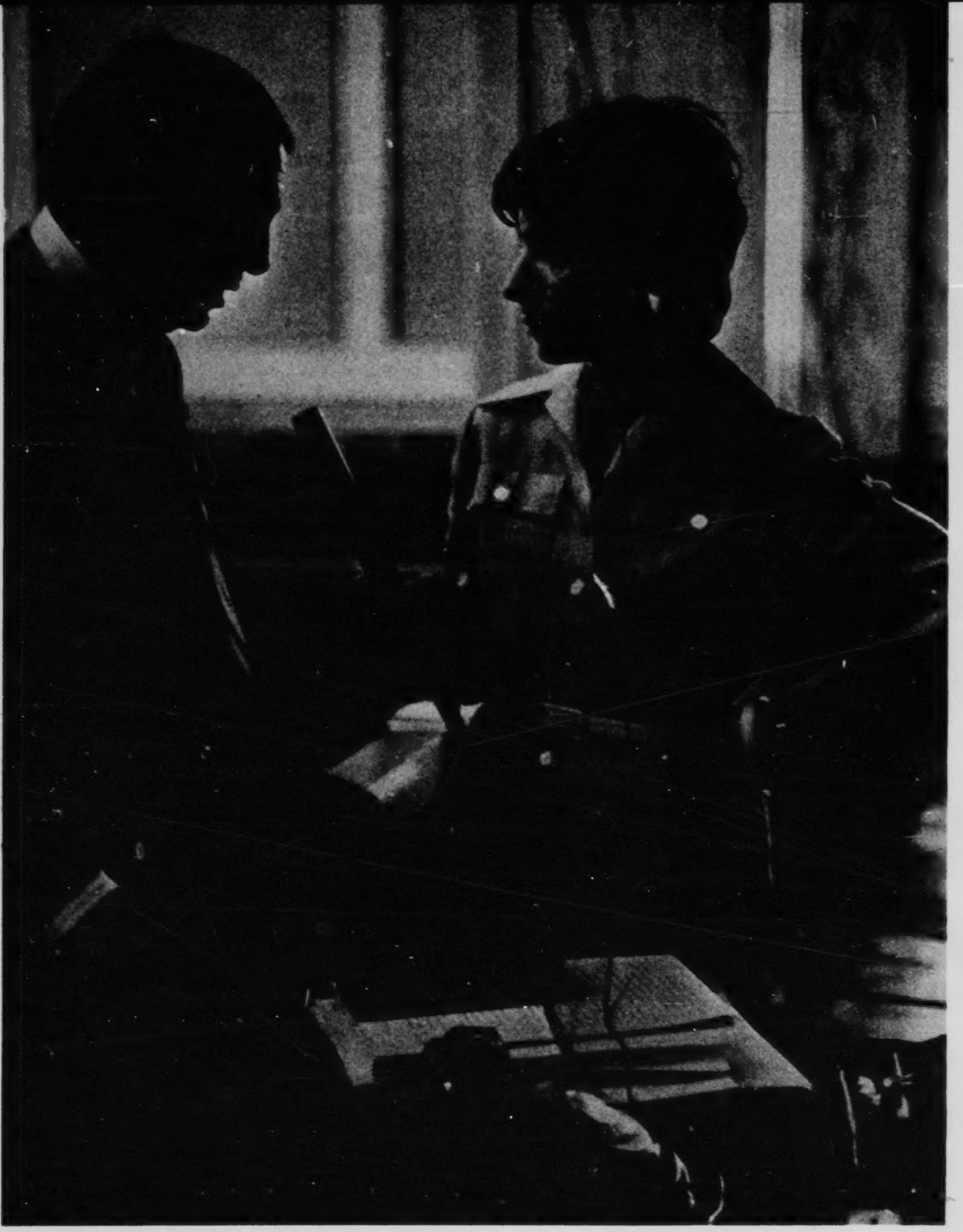
[12] Quotes from articles contained in a symposium on "The Effects of Television on Children and Adolescents." *Journal of Communications,* University of Pennsylvania, vol. 25, no. 4, 1975.

[13] Nick Johnson, *How To Talk Back to Your Television Set,* Little, Brown and Co., Boston, 1970, p. 13.



Andrea Mitchell Jackson, reporter for KYW radio and television in Philadelphia, conducts an interview in City Hall.

From "Women at Work."
Copyright 1975 by Betty Medsger.

> posed truths about people, power and issues. About three-fourths of all leading characters on prime-time network TV are male, mostly single, middle and upper class white Americans in their 20s and 30s."[14]

News coverage, which should be the accurate reporting of events and people in the whole population, is hardly better. A monitoring project by the American Association of University Women shows that only 523 of 5,353 straight news stories (10.2 percent) were about women. And when women did appear, they were portrayed as "helpless victims of kidnaps, rapes, murders and natural disasters . . . or as opinionless, supportive wives and mothers."[15]

Joan Israel of the Detroit Media Coalition reports, "Ninety-three percent of the commercials we monitored had male voice-overs giving the authoritative word on the product, even diapers and detergents."[16]

In 1975, the National Advertising Review Board (NARB), a group that deals with industry problems, issued a report titled, *Advertising and Women*. They concluded that advertising was "one of the forces molding society . . . Those who protest that advertising merely reflects society must reckon with the criticism that much of the current reflection of women in advertising is out of date." The IWY Commission strongly endorsed the NARB report as did a number of groups, including the National Federation of business and Professional Women's Clubs."

In order to accelerate the rate of change in the media's portrayal of women, projects, and strategies have been developed to change the status quo.[17] Donna Allen, publisher of *Media Report to Women*, told the Commission's Media Committee, on which she served as a public member,

> "Since 1972 there has been an astounding increase in the number of monitoring projects, content analysis studies, legal actions, demonstrations, media change organizations, and conferences on the media, at national and local levels. Even the increase in the number of women who have founded their own media businesses reflects a dissatisfaction with coverage of women by the mass media."

She cited stockholder action as one of the newest and more creative actions now being taken by women: The United Presbyterian Church's General Assembly Mission Council filed shareholders resolutions for debate at the October (1975) annual stockholders' meeting, which read. "Be it resolved that the shareholders of Proctor and Gamble request the Corporation to publish a special report which will carefully examine the images of women in the Corporation's advertising."

To date most studies of sexism on television analyze its content, i.e., how many women are presented in what roles. However, data on the effects of television also support the notion that people's attitudes are shaped by the programs they watch. For example, the Surgeon General's report on televised violence concludes that there is an indication of a causal relation between viewing violence on television and aggressive behavior.[18]

Researchers indicate that additional information is needed to gain a fuller understanding of the impact of television on sex-role imagery.[19] The Commission believes that a study, similar to the Surgeon General's on violence, could help illuminate the relationship between the portrayal of women on television and the self-image of viewers. Therefore the IWY Commission recommends that the Department of Health, Education, and Welfare undertake a major study to determine the impact of television programming and advertising on sex discrimination and sex-role stereotyping to determine the extent to which television causes and reinforces sexism.

Recognizing the unique creative problems in the development of entertainment programming and commercials, the Commission drew up a checklist of questions for use by writers, directors, producers, actors, actresses, and sponsors of advertising messages and the creative agencies.

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[14] George Gerbner, "The Frightening World of the TV Addict," *Psychology Today*, Apr. 1976, pp. 41–89. Gerbner is the Dean of the Annenberg School of Communications at the University of Pennsylvania.

[15] "The Images of Women in Television," Sacramento Chapter, American Association of University Women, 27 Greenway Circle, Sacramento, Calif. 95831, 1974.

[16] Telephone interview, Mar. 1976, with Joan Israel.

[17] Nancy Stanley, "Federal Communications Law and Women's Rights: Women in the Wasteland Fight Back," 23 *Hastings Law Journal*, Nov. 1971.

[18] Surgeon General's Scientific Advisory Committee on Television and Social Behavior. *Television and Growing Up! The Impact of Televised Violence*, Wash., D.C., U.S. Government Printing Office, 1972.

[19] Linda Busby, "Sex-role Research on the Mass Media," *Journal of Communications*, University of Pennsylvania, vol. 25, no. 4, 1975, p. 127.

Included in the 16-point checklist are:

- Are the women you portray, especially in advertising, obsessive about shiny floors, clean ovens, good tasting coffee, and sparkling laundry to the exclusion of mature human values? Are homemakers portrayed with dignity?
- Is the exploitative "woman as victim" theme the main entertainment value of your piece? Is she the hapless object of brutalizing forces? Does she make things worse by making panicky choices?
- Do you show men responding positively to strong independent women, just as you show women who respond to men who have those qualities?

(The complete checklist for Entertainment Programming and Advertising is in Part V.)

Public Broadcasting—Noncommercial Sexism

The effort to improve the portrayal of women on television also extends to Public Broadcasting.[20] The Advisory Committee of National Organizations (ACNO), which was created in 1972 by the Corporation for Public Broadcasting (CPB) to advise them on the public's needs and interests, adopted a position paper assessing women's programming.

According to ACNO, proper and adequate representation of women is defined in three distinct but complementary areas:

1. An honest, overall image of women in all programming;
2. Integration of women into all areas of the broadcast media; and
3. Thorough coverage of issues pertinent to women.

ACNO called for immediate action by CPB to implement full integration of women in employment and programming.

In response to ACNO's position paper, the CPB Board established a National Task Force on Women in Public Broadcasting. After a year of monitoring, the task force concluded that sex discrimination in public broadcasting is overwhelming and that "programming showed few, if any, women. Women are not [only] stereotyped on public broadcasting, they are overlooked."[21]

For example, 78 percent of the characters monitored on Sesame Street were male and more than 87 percent of the announcers and narrators (voice overs) were male.

The formal report of the task force was submitted to the CPB Board in October 1975; however as of April 1976 no substantial action has been taken on the recommendations.

The IWY Commission strongly endorses and calls for the immediate adoption of the task force recommendations.[22] In addition, the IWY Commission recommends that, in considering appropriations, the Office of Management and Budget and the Congress request statements on the progress made by CPB. Further, the IWY Commission recommends that the CPB conduct a followup study in 1980 to measure the improvements in programming and employment of women in public broadcasting.

Employment: Discrimination Behind the Scenes

Is there a link between the absence of women in media policymaking positions and sexist coverage and programming? In 1974, 65 women who work in the media told their stories anonymously in a book, *Rooms With No View.*[23]

They documented through personal experience and reporting, sex discrimination in television, magazines, newspapers, wire services, and book publishing. Especially noted was the lack of participation by women in policymaking positions.

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[20] Public broadcasting as a national institution was established in 1967 with the passage of the Public Broadcasting Act, Public Law 90–129.

[21] Carolyn Isber and Muriel Cantor, *Report of the Task Force of Women in Public Broadcasting,* Corporation for Public Broadcasting, Wash., D.C. 20036, 1975, p. 22.

[22] Adopted by the Committee on the Arts and Humanities, Dec. 4, 1975. See Part V.

[23] Ethel Strainchamps, *Rooms With No View: A Woman's Guide to the Man's World of Media,* N.Y.: Harper and Row, 1974.

The Federal Communications Commission (FCC) employment figures for 1975 show that women held 26.3 percent of the positions in the broadcast industry.[24]

In the top four job categories—managers, professionals, sales, and technicians—females were in only 13.1 percent of the positions, an increase of 1.5 percent from the previous year. Furthermore, according to a study by the Office of Communication for the United Church of Christ (UCC), the number of overall clerical positions in the industry dropped by 509 between 1971 and 1975, while the overall number of managerial positions increased by 1,302. Since, as the UCC puts it, "It seems improbable that this greatly increased corps of management personnel can function with reduced clerical support," this improvement may be in job title only and not in responsibilities or salaries.[25]

Women are now organizing to fight sex discrimination in the media. Numerous newspapers, including the *Washington Post* and the *New York Times*, have had major sex discrimination complaints filed against them. But women alone or in coalition still face serious barriers whenever they challenge sex discrimination.

For example, in March 1971 the Women's Rights Committee at WRC–TV, an NBC-owned and -operated station in Washington, D.C., became the first broadcast group to file a class action sex discrimination complaint with the Equal Employment Opportunity Commission (EEOC). The women at WRC started meeting during the spring of 1970, a few months before the 50th anniversary of Women's Suffrage. Mary Catherine Kilday, WRC–TV producer of the "Woman Is" program, remembers:

> "We didn't know about employment complaints, the EEOC or any of that technical stuff, but we wanted to let station management know we were not satisfied with our low paying, no responsibility jobs. The Suffrage anniversary gave us a great reason to organize and plan an action. We went from discussions, to meetings, to serious negotiations and got nowhere. We came to the conclusion that they could talk us to death. Management gave us no choice but to file formal complaints."[26]

While these activities were developing at NBC in Washington, the women at NBC in New York were also organizing. They too sought remedies through meeting with the network's President's Council, and they too got nowhere. Management refuted their discrimination charges in a time-honored corporate manner—they prepared a slide show. "They had one of those carousel projectors, with slides done up by the art department showing graphs in lots of colors," recalls Lois Farmer, a programmer and systems analyst. "After it was over, everyone sat there speechless. The next Monday, we filed our complaint."[27]

After investigating the NBC charges, the New York City Human Relations Commission made a *reasonable cause finding* in 1975. This finding was later adopted by the EEOC.[28] Since subsequent negotiations were ineffective, the employees filed suit in spring 1976 for violations of Title VII of the Civil Rights Act of 1964.[29]

A recurring theme throughout the IWY Commission's work had been the pervasiveness of employment discrimination on the basis of sex.[30] In making final recommendations to the media, the Commission stressed the importance of women participating equally with men at all job levels, especially those where policies are made. (A discussion of the Ten Guidelines to the media follows later in this section.) The Commission made a formal recommendation to the Equal Employment Opportunity Commission,[31] urging the agency to identify and attack patterns and practices of discrimination among major employers in the media, especially in commercial television.[32]

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[24] FCC Press Release, Mar. 5, 1976.

[25] Ralph Jennings and Veronica Jefferson, *Television Station Employment Practices, 1975*, Office of Communication, United Church of Christ, Jan. 1976, p. ii.

[26] Interview with Mary Catherine Kilday, Mar. 1976.

[27] *Op. cit.*, p. xxii.

[28] The Equal Employment Opportunity Commission has the authority under Title VII of the Civil Rights Act of 1964 to investigate the complaint, report on the investigation findings, and take legal action (file suit) should they find discrimination. If the EEOC finds discrimination, it issues a final *reasonable cause finding*.

[29] 42 U.S.C. secs. 2000e, *et seq.* Title VII prohibits discrimination in employment on the basis of race, color, religion, sex, and national origin.

[30] See Enforcement of Laws Committee and Employment Committee recommendations in Part V.

[31] Adopted by the Committee on Arts and Humanities, Jan. 7, 1976. See Part V.

[32] A similar recommendation was passed by the Commission asking for the enforcement of laws requiring affirmative action programs of Federal contractors in the communications and motion picture industries. See Part V.

Playing by FCC Rules

The Federal Communications Commission (FCC)[33] is the only Federal regulatory agency to develop formal rules for eliminating employment discrimination in the industry it regulates. However, the guidelines to implement and enforce these rules, which were developed in 1968, have not been adopted. In 1975, the FCC released proposed guidelines and solicited comments from interested groups and individuals.

Anticipating the adoption of these guidelines, the IWY Commission recommends that the FCC use the same standards as the EEOC and the Affirmative Action Program of the Federal Contract Compliance Program of the Department of Labor when evaluating a broadcaster's performance.

Without finalized guidelines to follow, citizen groups are confused as to how to proceed with employment complaints at the administrative stages.[34]

The U.S. Commission on Civil Rights, as well as feminist groups, raised this issue with Congress and the FCC and pointed out the agency's lack of commitment in enforcing their rules and in establishing guidelines on employment discrimination.[35]

If a complainant raises a "substantial issue" of employment discrimination, for example, FCC rules require an administrative hearing.[36] Without a hearing, challenging groups have no access to comprehensive data on a licensee needed to determine the underlying reasons for disparities in employment and programming. The FCC, however, has never defined "substantial issue." According to the U.S. Commission on Civil Rights, "If the FCC took action [i.e., ordering a hearing in a case], on the basis of an EEOC reasonable cause decision, it would be supportive of EEOC's administrative authority and hopefully induce companies to conciliate" (or comply with Title VII.[37]

In September 1972, after the WRC-TV employees had filed their employment complaint,[38] the National Organization for Women (NOW), with the support of 10 other organizations, filed a petition-to-deny the station's license renewal. NOW asked the FCC to hold a hearing on WRC's employment and programming practices. Before the FCC made a decision about the license renewal, however, the EEOC in 1973 decided the employees had a reasonable cause for filing their complaint.[39] Three years later, the FCC denied the request for a hearing, claiming that the station's employment profile had improved and that the station was in compliance with public interest standards. Civil rights groups feel that the FCC's public interest standards are not compatible with the current statutory and case law upon which the EEOC standards are predicated[40] and have appealed this FCC decision to the U.S. Court of Appeals.

To help remedy this kind of situation, the IWY Commission recommends that the FCC grant a hearing on the issue of employment discrimination whenever a challenger (petitioner) of a licensee shows that the EEOC has found a reasonable cause to believe the licensee has violated Title VII of the 1964 Civil Rights Act.[41] In addition, the Commission recommends several structural changes within the FCC: that it open to the public its regularly scheduled meetings; that it establish a Women's Advisory Committee to meet on a semiannual basis, and that it consolidate into one unit its three equal employment offices.

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[33] The FCC is an indepedent regulatory agency with broad responsibilities for the regulation in the public interest of radio and television broadcasting, cable television, and the telephone and telegraph communication. Created by Congress under the Communications Act of 1934, the FCC is headed by seven commissioners, one a woman, and all appointed by the President with the approval of the Congress.

[34] Women's groups (petitioners) may oppose a television or radio station's application for license renewal on the basis of employment discrimination or nonresponsive programming by filing a formal complaint called a petition-to-deny license renewal. Petitioners usually request the FCC to hold a hearing on the merits of such a complaint.

[35] See rulemaking comments on FCC Docket No. 20550, 1975 and 1975 congressional hearings on FCC oversight. (Commerce Committee, Communications Subcommittee.)

[36] 13 FCC 2d 766 (1968). An administrative hearing is a "trial" procedure worthwhile to women because of the information obtainable through the discovery process. See Part V for a full description.

[37] *The Federal Civil Rights Enforcement Effort, 1974, Volume I, To regulate the public interest.* U.S. Commission on Civil Rights, Wash., D.C. 20425, 1974, p. 30.

[38] As of Mar. 1976, WRC female employees have not proceeded to Federal Court with their case because of high legal costs. (Kilday interview.)

[39] *Reasonable cause finding* filed.

[40] See U.S. Senate hearings, Commerce Committee, Communications Subcommittee, Nov. 6, 1975, on FCC oversight.

[41] A similar recommendation was adopted by the U.S. Commission on Civil Rights. See *Volume I—To Regulate in the Public Interest*, p. 231.

Part of the Solution

Increasingly, the law is acknowledging women's rights to fair treatment, especially in employment. Throughout this report, the IWY Commission recommends necessary changes that can be accomplished by rigorous enforcement of these laws or by amended administrative procedures, particularly for licensed media. But much of what needs to be done is beyond the law's proper reach. The IWY Commission believes in the independence of the press. However, the media should use this essential independence more responsibly and accurately in their treatment of women.

In that spirit, the IWY Commission adopted 10 guidelines or minimum standards of fairness and accuracy for the treatment of women by the mass media. As Patricia Carbine, chair of the Commission's Media Committee and publisher and editor-in-chief of *Ms.* magazine, concluded,

> "Our hopes, our dreams, our own lives are profoundly shaped by the presentation of us by the media. What women are demanding, from this powerful, pervasive industry are accurate images and the right to participate fully in their dissemination."

"Why is it that every night when Walter Cronkite says, 'And that's the way it is, Friday, April 12!' thousands of women say, 'No, it isn't, Walter!'?"

Christy C. Bulkeley
National President
Women in Communications, Inc.

The first two media guidelines relate to employment and they are basic. The next three guidelines call for the enlargement of the media's definition of how news relates to women and to the desegregation of its presentation. The last five guidelines call for changes which the committee believes managements can immediately incorporate into operating policy.

In establishing these guidelines, the committee acknowledges the interrelationship of sex and race discrimination and recognizes that women cannot work to eliminate one while acquiescing in the other.

The Ten Guidelines

1. The media should establish as an ultimate goal the employment of women in policymaking positions in proportion to their participation in the labor force. The media should make special efforts to employ women who are knowledgeable about and sensitive to women's changing roles.

2. Women in media should be employed at all job levels and, in accordance with the law, should be paid equally for work of equal value and be given equal opportunity for training and promotion.

3. The present definition of news should be expanded to include more coverage of women's activities, locally, nationally, and internationally. In addition, general news stories should be reported to show their effect on women. For example, the impact of foreign aid on women in recipient countries is often overlooked, as is the effect of public transportation on women's mobility, safety, and ability to take jobs.

4. The media should make special, sustained efforts to seek out news of women. Women now figure in less than 10 percent of the stories currently defined as news.

5. Placement of news should be decided by subject matter, not by sex. The practice of segregating material thought to be of interest only to women into certain sections of a newspaper or broadcast implies that news of women is not real news. However, it is important to recognize and offset an alarming trend wherein such news, when no longer segregated, is not covered at all. Wherever news of women is placed, it should be treated with the same dignity, scope, and accuracy as is news of men. Women's activities should not be located in the last 30–60 seconds of a broadcast or used as fillers in certain sections or back pages of a newspaper or magazine.

6. Women's bodies should not be used in an exploitative way to add irrelevant sexual interest in any medium. This includes news and feature coverage by both the press and television, movie

and movie promotion, "skin" magazines, and advertising messages of all sorts. The public violation of woman's physical privacy tends to violate the individual integrity of all women.

7. The presentation of personal details when irrelevant to a story—sex, sexual preference, age, marital status, physical appearance, dress, religious or political orientation—should be eliminated for both women and men.

8. Hopefully, the day will come when all titles will be unnecessary. But in the meantime, a person's right to determine her (or his) own title should be respected without slurs or innuendoes. If men are called Doctor or Reverend, the same titles should be used for women. And a woman should be able to choose Ms., Miss, or Mrs.

9. Gender designations are a rapidly changing area of the language, and a decision to use or not to use a specific word should be subject to periodic review. Terms incorporating gender reference should be avoided. Use firefighter instead of fireman, business executive instead of businessman, letter carrier instead of mailman. In addition, women, from at least the age of 16, should be called women, not girls. And at no time should a female be referred to as "broad," "chick," or the like.

10. Women's activities and organizations should be treated with the same respect accorded men's activities and organizations. The women's movement should be reported as seriously as any other civil rights movement; it should not be made fun of, ridiculed, or belittled. Just as the terms "black libbers," "Symbionese libbers," or "Palestine libbers" are not used, the term "women's libbers" should not be used. Just as jokes at the expense of blacks are no longer made, jokes should not be made at women's expense. The news of women should not be sensationalized. Too often news media have reported conflict among women and ignored unity. Coverage of women's conferences is often limited solely to so-called "splits" or fights. These same disputes at conferences attended by men would be considered serious policy debates.

ERA— Let the Record Speak

State ERA's

Rose Di Florido, a Pennsylvania wife, is entitled to half the household goods at divorce even though her husband paid for them; the Pennsylvania Supreme Court has so ruled in interpreting the Equal Rights Amendment (ERA) in the State Constitution.[42]

Under Pennsylvania law, prior to that amendment, she would have been entitled only to what she could prove she had paid for. The court in 1975 said, ". . . we cannot accept an approach that would have ownership of household items on proof of funding alone, since to do so would . . . fail to acknowledge the *equally* important and often substantial nonmonetary contributions made by either spouse."[43]

Mrs. Corinne F. Cooper, a Texas homemaker for 16 years with custody of the minor children, was awarded at divorce more than half the community property and $1,500 monthly in child support, plus expenses for private school not to exceed $6,000 per year, and all medical and dental expenses incurred by them. Her husband, a wealthy physician, appealed on the grounds that the award was in conflict with the State ERA.[44] With respect to the award of property the Court of Civil Appeals said, "The difference in earning capacity and business opportunities would justify an unequal division of the community property."

The Court also upheld the child support award stating,

> "If 'equality under the law shall not be denied or abridged because of sex,' it must be presumed that the legislature intended that the duty of the spouse[s] to support their minor children is equal. This does not mean, however, that the court must divide the burden of support of the minor children equally between the parties. The court's order in this respect should reflect a due considera-

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[42] Art. I, sec. 28, May 1971.

[43] *Di Florido* v. *Di Florido*, 331 A.2d 174 (Sup. Ct. 1975).

[44] *Cooper* v. *Cooper*, 513 S.W. 2d 22g (Ct. of Civil Appeals, 1974). The following year the same court amplified its interpretation in *Friedman* v. *Friedman*, 521 S.W. 2d. 111 with the following, "It only provides that each parent has the equal obligation, in accordance with his or her ability, to contribute money or *services* which are necessary for the support and maintenance of his or her children" (emphasis supplied).

> tion of the respective abilities of the spouses to contribute. The duty to support is not limited to the bare necessities. The court may consider the standards of living which the parties have maintained in the past . . ."

Bernard J. Buonocore, whose wife "separated herself from her husband and their children" leaving two minor children in his care, secured child support from his wife.[45] Her income was almost as large as his. The Superior Court of Pennsylvania said that in light of the enactment of the ERA, ". . . it is clear that both parents have an obligation to share in the support of their children to the extent of their financial capacity and ability."

The constitutions of 15 States include provisions explicitly prohibiting sex discrimination in the law.[46] The Women's Law Project of Philadelphia, under contract with the Commission, has collected the reported judicial interpretations from these States and found the fears of opponents unrealized.

Indeed, as indicated by the cases cited above, fairer decisions at divorce to homemakers, to children, and to husbands are resulting from State ERA's. The divorce cases are of great significance, for the legally enforceable support obligations of spouses toward each other and the children are spelled out at divorce.[47]

Rape laws have not been invalidated by State ERA's. State courts in Colorado, Illinois, Maryland, and Texas have all upheld rape provisions protecting only women and penalizing men, or penalizing men more severely.[48]

"Nobody can say that women are equal under the law of the land except in a theoretical sense. The time has come to make women equal in all senses."

Congressman Carl Albert
of Oklahoma

No laws prohibiting homosexual marriage have been invalidated,[49] and no laws providing for separate toilets have been overturned.

A member of the Board of Directors of the League of Women Voters of New York wrote to the governors of the States that have ERAs in their constitutions, asking whether women had lost any rights under the State ERA, whether public restrooms or sleeping quarters in public institutions or prison cells had been required to be integrated, and whether implementations had been costly or unwieldy.

Replies—all in the negative on all questions—were received from Alaska, Colorado, Connecticut, Hawaii, Maryland, New Mexico, Pennsylvania, Virginia, Washington, and Wyoming.

The following excerpts were particularly enlightening.

Alaska from Lou Anne Maxwell, Equal Employment Opportunity Officer, February 10, 1976:

> "Women have not lost any rights in Alaska. To the contrary, although we have no actual studies to prove it, credit, housing, and employment have improved. Women are becoming more aware of their rights and the records of the State Human Rights Commission clearly indicate this—40 percent of the complaints filed are based on sex discrimination. Many women are being employed in jobs not usually open to women. For instance, there are now approximately 1,900 women employed on the Trans-Alaska Pipeline."

Maryland from Ellen Luff, Counsel, Governor's Commission to Study Implementation of the Equal Rights Amendment, January 14, 1976:[50]

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[45] Com. Ex. Rel. *Buonocore* v. *Buonocore*, 340 A. 2d. 579, 1975.

[46] The Wyoming and Utah provisions were adopted prior to 1900 and have not been interpreted consistent with modern understanding of an equal rights amendment. The Virginia amendment includes an exception permitting separation of the sexes and has been interpreted by the Virginia Supreme Court as permitting women to decline jury service without reason. The Illinois ERA uses the "equal protection" language of the 14th amendment to the U.S. Constitution, but the Illinois Supreme Court has interpreted the amendment in as strict a fashion as the courts of other States have interpreted ERA's worded like the Federal ERA. *People* v. *Ellis*, 311 N.E. 2d 98, 1974.

[47] Citizens' Advisory Council on the Status of Women, *Women in 1971*, U.S. Government Printing Office, Wash., D.C. 20402, p. 36.

[48] *People* v. *Green*, 514 P. 2d 769 (Sup. Ct., 1973). *People* v. *Medrano*, 321 N.E. 2d 97 (Appellate Ct. of Ill., 1974). *Brooks* v. *Maryland*, 330 A. 2d 670 (Ct. of Spec. Appeals, 1975). *Finley* v. *Texas*, 527 S.W. 2d 553 (Ct. of Criminal Appeals of Tex., 1975).

[49] *Singer* v. *Hara*, 522 P. 2d 1187, (Ct. of Appeals, 1974).

> "The allegations which have been made about Maryland which you repeat in your letter must be categorically denied. Specifically: (1) Maryland women have *not* lost rights or privileges because of the Equal Rights Amendment; (2) The legislature has *not* mandated sexual integration of public restrooms, prison cells, or sleeping quarters of public institutions, and (3) Implementation of the State ERA has been *neither* costly nor unwieldy."

. . . . .

It is unfortunate that the ERA opponents in various places have been able to make such an effective stand based on such obviously false statements.

Pennsylvania from Marie R. Keeney, Director, Commission for Women, January 21, 1976:[51]

> "1. Pennsylvania women have not lost rights or privileges because of the equal rights provision, nor will they when the Federal ERA is ratified. To the contrary, women are in a stronger position, particularly in the domestic relations area as a result of the ERA. This is due to the fact that Pennsylvania is not a common property State, so before the ERA, women had no rights to the household goods in the case of divorce. Our Supreme Court has ruled that, thanks to the ERA, such property must be regarded as the equal property of husband and wife, and must be so divided in the case of divorce. In the case of alimony, new legislation has been passed that makes alimony during the divorce proceedings available to the economically dependent spouse, but this has not altered the rights of women who have not been the primary wage earners. Furthermore, in support cases, the Supreme Court has ruled that the contributions of the homemaker to the care of the children must be considered as an economic contribution in assessing the relative support obligations. So, for the first time, women's work in the home is legally recognized.
>
> "2. There has been neither a mandate nor any action to integrate public restrooms, sleeping quarters in public institutions or prison cells. Absolutely no invasion of privacy in these areas has been encountered in the nearly 5 years the amendment has been in effect.
>
> "3. Implementation has not proven costly or unwieldy, although the necessary statutory changes cannot be expected to occur with no special assignment of staff and effort. In Pennsylvania, the Commission for Women has the responsibility from Governor Shapp to oversee implementation of the ERA, and has completed the statutory review phase of this project. We are devoting a portion of our budget to insure that this process moves as rapidly as possible, but the requirements to date are certainly not unreasonable."

Washington from Governor Daniel J. Evans, February 5, 1976:

> "I am aware of no classification of 'privileges' which a woman has lost because of adoption of the ERA. Alimony is awarded on a very limited basis in this State because of the Community Property Law. Adoption of the ERA and the implementing dissolution law merely makes it clear that either spouse may sue for support. A woman has not lost her right to be supported by her husband; rather she never had such a right. Support within a marriage has been a matter of custom and has never been guaranteed by law.
>
> "The accusations concerning integration of facilities are so ridiculous, we in Washington have ceased to reply to them. Rights of privacy remain fully protected in this State, and thus our restroom facilities, prison cells, and sleeping quarters of public institutions remain totally segregated.
>
> "The passage of the Equal Rights Amendment has brought Washington State a new commitment to the right of equal treatment for all our citizens. While there have undoubt-

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[50] In a letter to the *Wall St. Journal* of Oct. 29, 1975, the Governor's Commission said: "Rather than producing a loss of rights or privileges for our citizens, the Amendment has been a stimulus for constructive change and has produced a greater equality of the sexes. Throughout the process of ERA implementation, there has been no intimation whatsoever that the legislature or the courts would thrust inequitable or preposterous measures upon the citizenry of Maryland." Copy of paper on implementation in Maryland is available from the Commission, Shaw House, 21 State Circle, Annapolis, Md. 21404.

[51] Paper on "The Impact of the State Equal Rights Amendment in Pennsylvania Since 1971" is available from the Pennsylvania Commission for Women, Office of the Governor, Harrisburg, Pa. 17120.

edly been some costs incurred, they are far outweighed by the benefits."

With the letter from the Governor of *New Mexico* was enclosed a publication of the League of Women Voters of New Mexico summarizing the more important statutory changes resulting from the State ERA, including the right for wives of co-management of community property.[52]

The experience with State ERA's is particularly reassuring. State courts in interpreting State constitutions do not have legislative committee reports and debate in the legislature as a guide to the intent of the provision in question, as Federal courts have in interpreting the Federal Constitution. Nevertheless the State courts have almost universally made decisions in accord with the legislative history of the Federal ERA.[53]

Furthermore, the State legislatures, contrary to the predictions of opponents, have acted responsibly in legislating to implement the State ERAs. Washington has completely revised its laws with no loss of rights for women. New Mexico has an almost completed revision.

"We don't want women to be the same as men, merely equal as human beings."

Congresswoman Margaret Heckler
of Massachusetts

Many States without State constitutional amendments have made numerous changes in their laws since 1972 to bring them into alignment with ERA requirements. Wisconsin passed an omnibus bill not only revising its laws but directing administrative agencies to bring all of the administrative code into compliance.

ERAmerica

The many national organizations supporting the ERA, which had long recognized the need for a national ERA educational program and a single authoritative source to provide factual information about the ERA, asked the ERA Committee to play a catalyst role. In response the Equal Rights Committee of the Commission brought together the organizations supporting the amendment and experts in carrying on campaigns.

ERAmerica was the result. ERAmerica, co-chaired by Liz Carpenter and Elly Peterson, is a private umbrella organization, privately funded, and completely independent of the Commission.

The complete report of the ERA Committee's role in establishing ERAmerica appears in Part V.

Continued Need for ERA

While the debate about the ERA has led to many positive changes, these do not reduce the need for the amendment.

All of the laws could be easily changed, and new threats to equality of rights under the law could be mounted under new guises if a guarantee is not enshrined in the Constitution.

Furthermore, the new laws are not universal. For example, five of the eight community property States have given wives co-management rights, but three have not. Only a few States have recognized the contribution of the homemaker as a factor to be considered in dividing property at divorce.

Another important reason why the ERA is necessary is the leverage it gives for seeking the fundamental changes in domestic relations and property law—changes that will achieve the Commission's goal of marriage as a full partnership.

Role of Media

Why, with the need established—an excellent legislative history and widespread support—has the ERA not already been ratified? It has the support of both parties, all recent Presidents, the American Bar Association, unions, church organizations, and practically all women's groups with a tradition of action in behalf of women.

A campaign to discredit the ERA, which has confused the public, has been mounted by ad hoc organizations, such as Stop ERA, Happiness of Womanhood, and Operation Awake. Statements of effects on the law of the ERA have been circulated. Many of the statements are distortions, half truths, or outright misrepresentations.

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[52] Copies may be secured from the League of Women Voters of New Mexico, 219 Shelby St., Room 211, Santa Fe, N.Mex. 87501.

[53] For a discussion of the legislative history of the ERA and its importance, see *Women in 1973*, the annual report of the Citizens' Advisory Council on the Status of Women, U.S. Government Printing Office, Wash., D.C. 20402, p. 37.

As Eileen Shanahan, the distinguished *New York Times* reporter, told a seminar for the press on the ERA,[54] it has been difficult for the press to report the ERA because the typically short press deadlines make it all but impossible to check out Phyllis Schlafly's "systematic misrepresentations." Mrs. Schlafly leads opposition to the Equal Rights Amendment.

Susan Dellar Ross, coauthor of a textbook *Sex Discrimination and the Law* and author of *The Rights of Women*, urged in the same seminar that the press must distinguish between policy and legal issues. Constitutional authorities should be consulted on legal issues, she said, and lay persons on policy issues.

Jill Ruckelshaus in a speech at the National Press Club on September 12, 1975, drew attention to the imbalance of media coverage that gives the same weight to the opinions of the Stop ERA forces as to the majority report of the Senate Judiciary Committee on the amendment. "This isn't a question of one opinion about the ERA having equal standing with a contrary opinion," she said:

> "When the courts interpret the Equal Rights Amendment, they will not turn to a Stop ERA pamphlet; rather, they will look to the one authentic piece of legislative history we have: the Senate Judiciary Committee report on the Amendment, which answers well many of the questions Amendment opponents are raising. To balance a Stop ERA opinion against the Senate Judiciary Report is to be off balance in objective, informed reporting. The two just aren't equal, and to report them as such in the media is to give a misleading impression."

Again in an article in *The Bulletin of the American Society of Newspaper Editors* for March 1976, she stressed the importance of in-depth reporting:

> "We are happy that many newspapers support ERA on their editorial pages, basing those endorsements on informed interpretations of what ERA will mean. But we are dismayed by the number of newspapers across the country which have not done an in-depth news analysis of ERA and which, either in ignorance or under a false assumption of fairness, have perpetuated inaccurate information spread by ERA opponents."[55]

When former Congresswoman Martha Griffiths and leaders of the opponents are quoted as equally credible authorities, the public is sadly misled. Congresswoman Griffiths was the leading proponent of the ERA in the House of Representatives and her views expressed there will be quoted by judges to support their interpretations of the ERA.

When a charge that the Colorado ERA has resulted in legalizing homosexual marriage is quoted without checking with Colorado authorities, the readers or hearers are denied the truth. This story, which has been repeated in many States, is typical of the misrepresentations. It is true that a local clerk issued marriage licenses to men, but it is also true that the Attorney General of Colorado held the licenses invalid.[56] It is also true that the District Attorney who advised the clerk thought the marriage law, not the ERA, authorized the licenses.

Another example of a misrepresentation that has gained widespread publicity is a charge that the Ohio Task Force Report for the implementation of the Equal Rights Amendment says that "ERA will require government-financed child-care centers . . ."[57]

The report says no such thing. The task force made recommendations for changes in law required to implement the ERA *and* changes that Ohio women wanted based on hearings throughout the State. It is clear in the report that the recommendation on child care is in the second category of desired changes. Even after this distinction was pointed out to opponents, they continued to make this false charge in speeches. Even a large number of letters to the editors by the Ohio Task Force cannot seem to catch up with this falsehood.

There are hopeful signs that some newspapers and radio and TV stations are attempting to give more sophisticated coverage. *The New York Times Magazine* for April 11, 1976, included an excellent article, "You'll Probably Think I'm Stupid" by Martha Veinman Lear,[58] describing the distortions and misrepresentations of the opponents.

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[54] National Press Club, Seminar for the Media on the Equal Rights Amendment, Wash., D.C., Apr. 10, 1976.

[55] P. 8.

[56] Letter of Apr. 24, 1975, from Attorney General of Colo. to Honorable Ruben Valdez, Speaker, House of Representatives and call to Attorney General on Apr. 15, 1976.

[57] The *Phyllis Schlafly Report*, Nov. 1957, p. 1.

On the other hand, the National Press Club ERA seminar referred to above attracted few reporters, although it was an excellent program designed to help reporters give intelligent coverage to the ERA.

ERAmerica and the Commission will continue to stress reliable in-depth media coverage, confident that an accurately informed public will assure that the required 38 States will have ratified by March 1979 the proposed 27th Amendment to the Constitution of the United States, the Equal Rights Amendment.[59]

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[58] P. 30 ff.

[59] At the time of this report, 34 States had already ratified the amendment.

The Creative Woman

The evening was a Sunday in August 1975, late into a grueling 3-day international music contest. Fifty competing pianists had been narrowed to a field of seven semifinalists and then to three finalists.

Up on stage, the judges tallied their points in full view of the audience. (Usually this procedure takes place behind closed doors.)

What was most unusual about the setting was a 7-foot-tall fabric screen that separated the judges from the contestants. It was shadow proof and the panel was unable to see anything beyond it.

A thick carpet runner stretched from the backstage wings to the piano bench and thus even the contestants' footsteps were dulled for this "blind" judging session.

Such precautions were intended to insure utmost objectivity throughout this 18th annual Johann Sebastian Bach International Competition at Lisner Auditorium, George Washington University in Washington, D.C.

When the winner was announced, a woman, 31-year-old Bronislawa Kawalla from Warsaw, Poland stepped forward.

At least one judge, a male from Europe, was clearly stunned:

> "I am amazed the winner is a woman, because not only did she play with the authority and assurance of a man, but she also demonstrated such a strong intellectual grasp of this architectural and monumental musical masterpiece, the Goldberg variations."

That judge became an on-the-spot convert to the "blind" judging concept, saying that he was convinced the screen separating contestants from judges was absolutely essential for fair and impartial decision.

Raissa Tselentis Chadwell, founder-president of the Bach International Competitions and American Bach Foundation,[60] rejects the notion that judges need to see the performer to appraise stage presence. "The first importance is musicianship and accomplishment and fairness," she declares. And she finds participants in the Bach contest often "come back to compete four or five times. They want and appreciate the experience of being judged fairly."

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[60] Screened (blind) judgings have been part of the Johann Sebastian Bach International Competitions since 1958.

Regrettably, few organizers of other musical activities have copied this example. An American Symphony Orchestra League study, completed in February 1976 at the request of the Committee on Arts and Humanities, shows that only one-third of the major American orchestras conduct their preliminary auditions behind screens, and only two orchestras—all with a high percentage of women—use a screen in the final auditions.

The number of women instrumentalists has risen remarkably in the last decade. The study found that the number of women players in "major" symphony orchestras—those with budgets over $1 million—rose 36 percent between the 1964–65 season and the 1974–75 season. More than 60 women serve in major symphonies as principals, or section leaders, and women are one-fourth of all instrumentalists in the major orchestras.

This record supports the testimony of the noted conductor, Antonia Brico, who appeared in August 1975 before the Committee on the Arts and Humanities. Maestra Brico reported that there are now more women in orchestras. She also told how she founded the New York Women's Symphony in 1934 "to prove that women could play every area of the orchestra."

Nonetheless, women musicians continue to be concentrated in amateur and semiprofessional orchestras where pay is lowest. "Orchestras with the highest budgets, longest seasons, and most generous salaries tend to have the fewest women musicians," the League's study notes, adding that it hasn't determined "whether this is a natural reflection of the kinds of work being sought by women, or a factor of the women's movement not yet influencing long-standing employment patterns."

Still a wider use of blind auditions clearly can be one way to achieve a change on behalf of women. The IWY Commission, at the urging of the Arts and Humanities Committee, recommends that this type of impartial judging system be adopted in many areas of the arts and humanities. Indeed, except for dance and drama, contestants in most artistic endeavors do not need to be identified by name, sex, or race. Paintings, film, photography, crafts, sculpture, musical auditions, articles, and papers need no such identification.

The Arts and Humanities Committee found other clear evidence to support blind judging. A study published in the magazine *Visual Dialog* in February 1976 showed that over the years 1960 to 1972, women painters and sculptors did considerably better in juried shows where their names were concealed than they did in one-artist or group invitational shows where names were known.

In 1975, after women teachers of classical languages arranged for anonymous or blind review of their papers submitted for presentation to professional societies, the proportion of women presenting papers tripled in comparison with 1973 before blind review was initiated.[61]

Impartiality regarding the sex of the artist is a policy that will also help to remedy salary differences faced by women in the arts and the humanities.

In all arts- and humanities-related professions surveyed in the 1970 census, the median earnings of men were higher, and men outnumber women in all but two professions—dancing and librarianship. Among librarians there has been a steady move by men to top-paying positions.

The median number of years invested in schooling by male and female professionals in the arts and humanities differs by only a few months. But median earnings[62] (half are higher and half are lower) range from $1,000 a year higher for male actors to $6,000 to $7,000 a year higher for male museum personnel, male designers, and male architects.

For example, a 1975 study by the Task Force on Women in Architecture found that men's salaries were on the average 61 percent higher than women's; and there was a general lack of internship opportunities for women, with advancement for women architects usually stopping at the lower middle echelons. The task force, incidentally, also noted stereotyping of a special kind, such as the belief that women are "more capable of designing residences, kitchens"; or reluctance to send women architects to building sites "on the assumption that prejudicial attitudes of contractors and construction workers would prevent her from doing her job . . ."

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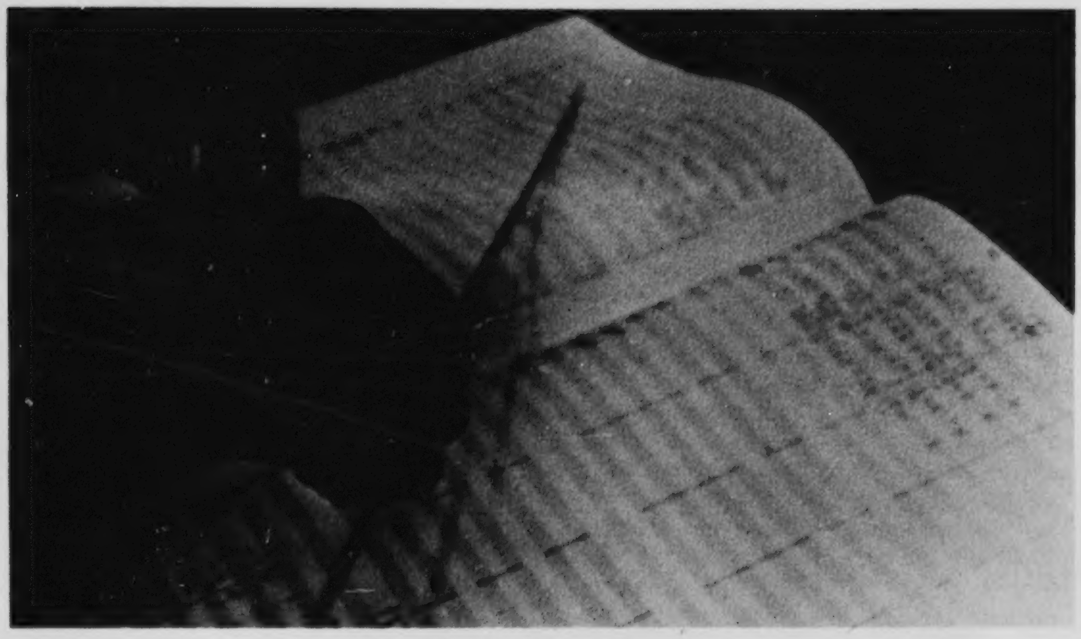
[61] Transactions of American Philological Assn., spring 1976.

[62] This figure includes 1969 earnings from wages, salaries, self-employment, income from all sources, some of which might have been outside the stated profession.



The hands of the noted maestra Antonia Brico.

The Artist's Hardship

June Wayne, a multimedia artist and founder of the Tamarind Lithography Workshop, told the committee that the major art galleries and museums discriminate against women artists.

A survey conducted in 1970–71 by her workshop found that art critics in major art journals and leading newspapers were predominantly male. Male artists received the majority (72–95 percent) of the space in art reviews, and illustrations of their works were reproduced in such reviews 8 to 12 times more often than were works by women.

In 1972 only 20 percent of the 1,000 artists represented by Manhattan's 100 principal modern art galleries were women. And only 10 percent of the work in the Metropolitan Museum collection of contemporary art was by women, *Time* magazine reported in 1972.[63]

There seems to be some recent improvement. Wayne told the committee, "Certainly consciousness about women artists has been raised, but not changed. That's the next step." And Judy Loeb, writing in *Art Education* in November 1975, noted a trend in art journals to include more reviews of women artists.[64]

Lila Katzen, a teacher and sculptor in metal, also told the committee about discrimination by galleries and collectors against women's art. "Dealers feel they're not going to get the price. My prices are much lower in comparison to those of male sculptors."

Much of Katzen's work is in storage, or consists of sketches and smaller models. "People who award commissions don't usually think a woman is capable of the concentration or technical know-how."

She supports her art by teaching at the Maryland Institute College of Art in Baltimore. "Women have a hard time getting into university sculpture departments," she says. "We wind up teaching two- and three-dimensional design."

She adds that many basic college texts on art history either totally omit or minimize women artists and their contribution to the arts.

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[63] *Time*, Mar. 20, 1972.

[64] *Art Education*, National Art Education Association, Nov. 1975, vol. 28, no. 7, p. 9.

The Working Actress

Women on the stage, radio, television, and the screen have their own special problems of discrimination. The committee found that from 1953 to 1972 only one-third of the available parts in some 350 major Broadway and off-Broadway plays were roles for women. Half of all actresses worked less than 28½ weeks and earned less than $5,021 in 1970.

A 1974 study by the Women's Conference Committee of the Screen Actor's Guild found that on all stations of the three major commercial television networks in Los Angeles over a typical month, 71.5 percent of all roles were male and 28.5 percent female, an even lower proportion than on the stage. The study also found that in television commercials men outnumbered women two to one as performers.

Women on Campus

Those women artists or performers who take up teaching to supplement their creative work find their chances for advancement limited by a longstanding prejudice against women in academia. Women are clustered at the lower ranks of instructor and assistant professor, often despite higher qualifications. The 1970 census showed that the median earnings for women art, drama, music, foreign language, English, and history teachers, among others, were 50–60 percent of the earnings of men.

Women have obtained half of the Ph.D.'s in art history and half the M.A.'s and M.F.A.'s, but a survey by the Women's Caucus for Art in 1975 showed that in 165 college and university art departments, women made up only 22.4 percent of the faculties, up from 20 percent in 1973.

Many of these problems could be addressed by the managers of artistic and cultural institutions. The Arts and Humanities Committee repeatedly found, however, that women are not adequately represented in such managerial, administrative, or decisionmaking posts.

The Commission urges review and remedy of this imbalance by State Governors, State commissions on the status of women, by local groups, and by the institutions themselves.

The need for women in decisionmaking positions is reflected, for example, in concert bookings. Carol Rosenberger, international concert pianist, believes that a female pianist is in less demand as a soloist than is a man. When the question is raised by booking agents, she adds, the common answer is, "We already have a woman pianist for next season."

"Most artist managements take only one woman pianist at a time," she says. For example, many will limit the number of women instrumentalists.

Ms. Rosenberger suggests that the women serving on orchestra boards and concert committees should start realizing the power they really have.

> "Some even seem to accept the situation without question. But if women in these positions started saying, 'Look, we want more women soloists,' there would have to be a positive response."

The committee hopes that the extraordinary rise in the number of women managers of metropolitan and smaller symphonies may also bring more positive results. The American Symphony Orchestra League's study has shown that during the 10 years from 1964–65 to 1974–75 the number of women symphony managers increased 154 percent in metropolitan orchestras, and went up 100 percent in urban community orchestras, although it remained constant in major symphonies, where there are still only two women managers.

Women working in the arts and humanities can also be adversely affected by some grant-awarding policies.

At the National Endowment for the Humanities, for example, senior fellowship awards are based on the salaries of recipients. Therefore, an underpaid woman university teacher has been getting a proportionately smaller award than a higher paid male winner. After meeting with the Commission's Arts and Humanities Committee, a National Endowment spokesman agreed to try to correct the practice.

Cultural institutions, especially those receiving Federal support, should more carefully assess their activities to examine their impact on the status of women, the Commission states.

Federal museums have proportionately fewer women senior officials than nonprofit museums.[65] The Smithsonian Institution, for exam-

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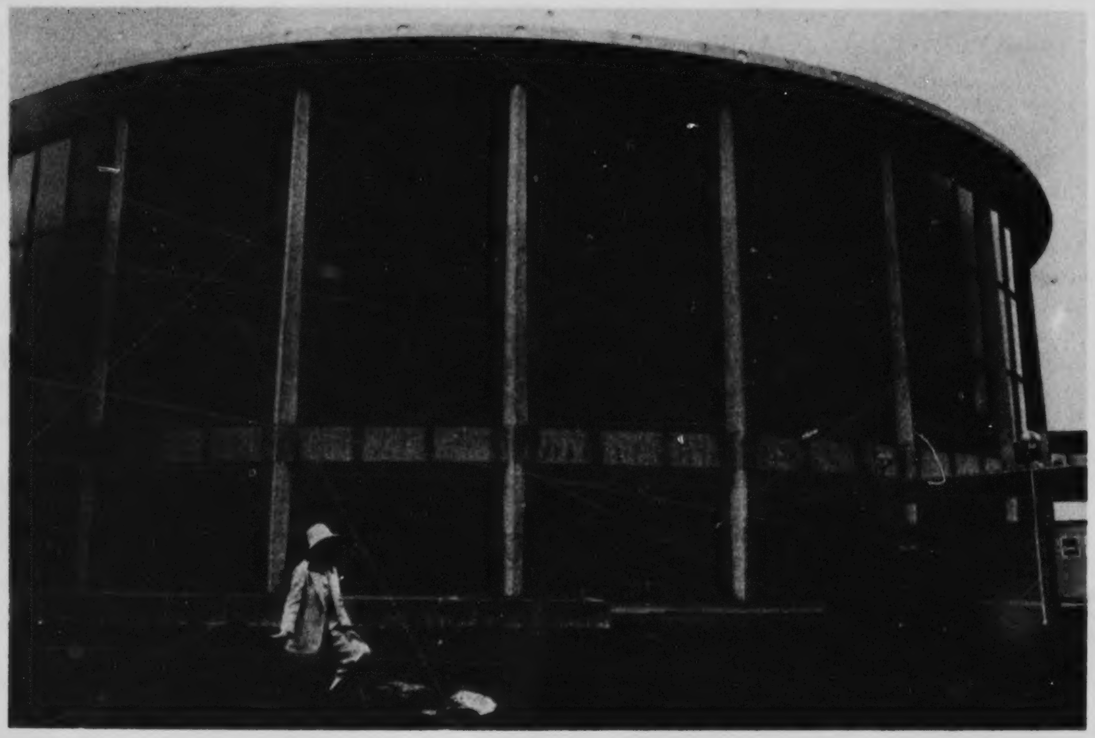
[65] *Museums, U.S.A.*, National Endowment for the Arts, 1974.



Architect Gertrude Kerbis is shown in front of the Seven Continents building, which she designed for O'Hare International Airport at Chicago.

From "Women at Work."
Copyright 1975 by Betty Medsger.

ple, has only 11.9 percent women in its upper middle and senior positions in 1974.

The Committee on the Arts and Humanities was not wholly satisfied by the response of the National Endowment for the Arts (NEA) when it indicated that Endowment advisory panels, which judge awards for literature, theater, and architecture, include only 12–13 percent women. Dance panels, however, were 61 percent women. (Roughly 82 percent of all dancers are women.)

In January 1976, a spokesman for the National Endowment reported to the Committee that NEA finds it particularly difficult to locate "women in leadership roles" to serve as panelists. In addition, he said, the top-qualified women often do not have the time available to serve. For its theater awards program, for example, he said that "actresses are rarely available, and there are few women in top management positions."

He added, "The Endowment does not feel that a lack of women on any specific panel has had relationship to the relatively low representation of women among grants recipients in that field."

The Commission has nevertheless urged inclusion of more women on all awards panels, including the National Endowments for the Arts and the Humanities, and asks institutions to encourage more grant proposals from female applicants.

The creative woman also wants her equal chance to be seen, to be heard, to be read, and to have full access to the American people. The Commission hopes its recommendations and studies will open doors to her fairer recognition.

$ $ $ For Culture and Research

Federal agencies each year hand out more than $5 billion to individuals, private organizations, and State and local governments for research projects, for fellowships, for the support of the arts and humanities, and for myriad other purposes.

Private, tax-exempt foundations also disburse millions in grants annually, particularly in the area of cultural interests.

The Commission asked, are women getting their equal share? Is the impact of such grants on women equitable?

Government awards, generally known as grants-in-aid or project grants, are administered under title VI of the 1964 Civil Rights Act. Title VI does not prohibit sex discrimination; however the Congress, during the past 5 years, has made sex discrimination illegal in a number of Federal grant programs, such as education, water pollution, public works development, law enforcement assistance, disaster assistance, and manpower training.

But sex discrimination is not eliminated in all areas. For example, grants made by the National Endowments for the Arts and the Humanities are not covered. Neither is the very large area of grants for health research.

The welfare of future generations of women may be adversely affected by this. The Committee on Special Problems of Women reports that

> "In health research as in other areas of human concerns men have all too often been considered the norm and women the exceptions . . . all of whose problems are thought to relate to reproduction."

Studies on diseases common to men and women sometimes do not include women as subjects. For instance, two major research projects sponsored by the National Institutes of Health exclude the study of women. These are the Framingham (Mass.) Study on Heart Disease and the Multifactor High Risk Study, an examination of smoking, drinking, and diet. Yet women are smoking, using alcohol and drugs more than ever before.

Little or no research has been done in other health areas important to women. A report to the National Dialysis Registry in October 1975 stated that only two-thirds as many women as men are receiving dialysis in the treatment of kidney disease. The Special Problems Committee also said there is a need for research on the effect of careers outside the home on longevity and on the health of women.

Because of such inequities, the IWY Commission endorses a recommendation already made by the U.S. Commission on Civil Rights that asks the President to issue an Executive order insuring equal opportunity for women in any program that receives Federal funds or assistance.

> "All we are trying to do is to make this government of the United States of America honest . . . We only want, we only ask that when we stand up and talk about one nation under God, liberty, justice for everybody, we only want to be able to look at the flag, put our right hand over our hearts, repeat those words and know that they are true."
>
> Congresswoman Barbara Jordan
> of Texas

The Commission also asks that research be reviewed to see that it meets the special needs of single parents, aged women, and minority women, including blacks, Hispanics, Asian-Americans, and Native Americans.

Sometimes grants-in-aid have an adverse effect on women just because they enrich institutions and make certain jobs more desirable for men.

The Arts and Humanities Committee of IWY found that the Library Services Act of 1956 strengthened the budgets of many libraries and helped to raise salaries. A few years after passage of the act, male takeover of top library jobs became apparent.[66] More men recruited for the field and more men prepared in college for such jobs.

Thus the Commission finds it important to recommend that government agencies, considering grants-in-aid to cultural institutions, require the institutions to assess the impact of such grants on women.

To make sure that women are included both in grants and in research conducted, the Commission recommends to the government and to private institutions that more women be named to all boards, committees, and panels that make such grants. The percentage of women now on these boards is low.

But, trying to work for the equal partnership of women sometimes has unusual side effects. Consider the case of Dr. Julia Apter, a Chicago physician and scientist, who is presently (April 1976) suing Health, Education, and Welfare (HEW). She alleges that HEW discriminated against her in not awarding a $580,000 grant to the Medical Center where she worked.

The story begins in 1971 when Dr. Apter tried to have more women placed on the HEW advisory committees, which determine the funding of health research. At that time the committees had not one gynecologist in over 2,000 members; in all, only 2.6 percent committee membership was female.

Representing the Association of Women in Science (AWS), Dr. Apter and women from six other women's groups met with HEW representatives. Their demands were met with the promise that female committee membership would be increased to one-third "as soon as possible."

The women said they already had a list of 5,000 women qualified for the 500 vacancies existing in National Institutes of Health (NIH) committees. Dr. Apter agreed to match the women's vitae to the job descriptions immediately. Elliott Richardson, then Secretary of HEW, said he would delay filling the vacancies until she could finish the list. NIH staffers opposed this moratorium.

To do the work, Dr. Apter, an ophthalmology specialist, took 5 weeks leave from her job. She found many exceptionally talented women who "had been hiding their light under a bushel." For one vacancy, which required M.D. and Ph.D. degrees and a professorship in surgery, she came up with nine women who met the qualifications.

The AWS roster was effective at least for committee membership. Women now make up 22 percent of HEW advisory units. However, Dr. Apter did not fare well after this experience. Her employer, Rush-Presbyterian-St. Luke Medical Center in Chicago lost a $580,000 NIH grant and Dr. Apter contends it was because she had become "persona non grata" at

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[66] Anita R. Schiller, "Women in Librarianship," published in *Advances in Librarianship*, 1974.

NIH due to her work on behalf of the committee membership.

The Medical Center fired Dr. Apter. Her suit against HEW, charging sex discrimination and abridgment of First Amendment Rights, followed.

The scarcity of women in decisionmaking areas of government was pointed up again and again as the various committees of the Commission listened to experts and women in public life testify. Some of these stories follow in the next section.

The Power Brokers

> "My mother told me that I could do what I wanted to do and I believed her. I voted in 1920, in the first election after women had the right to vote. I knew then that I was going to run for public office."[67]

That is Judge Sarah T. Hughes speaking, the woman who gave the Presidential oath of office to Lyndon Baines Johnson in Dallas, Texas, just 99 minutes after John F. Kennedy was killed by an assassin's gun.

Judge Hughes, now 79 and on senior status with the Federal bench, was elected to the Texas Legislature in 1930. The Great Depression had struck only the year before.

> "Of course, there were people who didn't want a woman elected to any office . . . Some people said, 'She has a husband to support her.' And that was a big, big argument then. But I talked to the people who would vote for women. I didn't spend any time on the others. And so I was elected to the legislature."

She served three terms in the legislature and, when a vacancy occurred in the Fourteenth District Court, she was nominated for the post. Her Senator fought her confirmation.

> "He said I ought to be home washing dishes."
>
> "Well, that was the first time that all the women in Texas were banded together. They might be in the kitchen, but they didn't want anyone to say that every woman had to be in the kitchen.
>
> "I went back to Dallas and had my picture taken washing dishes for the papers. The Senate confirmed me and I became Judge of the Fourteenth District Court."

Women have made impressive gains in appointive and elective offices since Judge Hughes washed dishes 4 decades ago. In 1974, more than 1,600 women were candidates for national and State offices. Seven new Congresswomen joined the 12 incumbents. The number of women in State legislatures increased by 26 percent.

Ella T. Grasso was elected Governor of Connecticut, the first woman to be elected governor in her own right in the history of the country. Mary Ann Krupsak became the first woman

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[67] Judge Sarah Hughes' remarks taken from her testimony before the Women in Public Life Conference at the LBJ Library in Austin, Tex., Nov. 11, 1975.

Judge Sarah T. Hughes, now on senior status with the Federal bench, speaks at the Women in Public Life Conference in Austin, Texas on November 11, 1975.

Lieutenant Governor in New York State's history. In 1975 two more women were elected Lieutenant Governor: Evelyn Gandy of Mississippi and Thelma L. Stovall of Kentucky.

Nevertheless, the proportion of women currently holding elective jobs is pitifully low. Women hold, roughly, only 5 percent of all local, State, and Federal elective positions though they comprise 53 percent of the voting population and make up 39 percent of the U.S. labor force.[68]

The public seems ready to accept women in public office. A 1975 Gallup survey showed that the climate for women entering politics in America has never been more favorable. Seven in 10 Americans said the Nation would be governed as well or better if more women held political office.

So why are there so few women officeholders?

The IWY Commission, in studying the problems, found that women do not seek public jobs in any proportion to their political strength and that when they do seek office they face severe handicaps.

"From the early childhood socialization process," the Commission said, "through the assignment of adult responsibilities on the basis of rigid sex role divisions, women have been led toward the private sphere at home while men have been directed into the public sphere."

The Commission believes change must come simultaneously in education and socialization. "Help must be given the already active public women, the aspiring candidate and the American woman growing up today."

To help effect such changes the Commission asks the political parties to "adopt written plans to assure equal representation of women in all party activities, from the precinct to the national level, with special emphasis on equal representation in the delegations to all party conventions."

The Commission asks the parties:

- To create an affirmative/positive action office for women, with women participating in and designing the program;
- To sponsor conferences for women on State and regional levels on topics such as party policy positions, candidate development and campaign skills; and
- To provide financial assistance for convention delegates and candidates.

Such help would involve more women in the political process. But once a woman is a candidate she faces many other difficulties, one of the greatest being lack of money.

Getting Elected

Listen to Eddie Bernice Johnson, a nurse in Dallas, Texas, tell how she got elected to the State legislature in 1972 despite great personal and financial odds. She was a black woman in a district that was more than 50 percent white; she had no money, no campaign workers, no sponsors, nothing but spunk and "mother wit."

"I decided I was going to win," said Eddie in testimony before the Women in Public Life Conference at the LBJ Library in Austin, Texas, in November 1975.

> "I didn't have a campaign manager, I didn't have a campaign headquarters . . . A young man, a professional football player, offered to be my campaign manager. I took him up on it because he said the only charge would be three meals a day and all the watermelon he could eat.
>
> "The only other person involved was my son who was 14 at the time. He wanted me to

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[68] *Women in Public Office, A Biographical Directory and Statistical Analysis,* Center for American Women and Politics (CAWP), R.R. Bowker Co., Apr. 1976, p. xx.

> run and win. He even enrolled in a homemaking course so he could learn to cook for himself, since he knew I couldn't take time to get his meals.
>
> "We used my den, kitchen and the dining room table as our headquarters. The big breakfront in the dining room held the mail sacks.
>
> "We did find enough money to buy a few yard signs and about 150 bumper stickers. The yard signs were pulled down as soon as they were put up, but the bumper stickers worked all right. You couldn't get them off once they were stuck on.
>
> "Facing realities in the black community, the only forum was a church, and you know, Baptist churches don't mind politicians coming through now and then. So I carefully called ministers and tried to get myself scheduled for at least five churches a Sunday.
>
> "We did fairly well, but there were a number of male ministers who had not had to deal with a female running before, especially not a black female divorcee who had been married to a black minister's son.
>
> "Without money I did the only thing I could, I walked the streets. I called on 40 houses a night, every night I went home from work.
>
> "Well the victory was great. I won. And my son won too."

Few women, or men for that matter, have the heroic capacity of Eddie Johnson. But almost every political race takes money. Even a minor local election is costly. In 1973, the average expense of the State legislative candidates in the Cleveland, Ohio area was at least $15,000, according to State Legislator Jinny Aveni who won as a nonincumbent that year.

Public financing of campaign expenses has been advocated as a solution to the money problem for little-known candidates and for those without private wealth. A National Campaign Finance Law went into effect in the spring of 1975, only to be greatly modified by the Supreme Court's decision of January 1976, which held unconstitutional the ceilings on spending and the enforcing agent role of the Federal Elections Commission.

Some States, too, have enacted campaign finance laws.

Originally these laws were viewed as a blessing for women candidates, because it was believed that they (the laws) would make more funds available to unknown candidates and that they would lessen the inherent advantages of the incumbents.

Eddie Bernice Johnson tells the Women in Public Life Conference in Austin, Texas how she campaigned to win election to the State legislature in 1972.

Now the experts are not so sure.

In commenting on the Supreme Court's ruling that some of the limitations on campaign spending are unconstitutional, Bella Abzug, New York Representative and Commission member, said that this "decision will make it harder than ever for women to run for public office . . . Women in politics are notoriously poor and find it much tougher than men to raise money."[69]

Jane McMichael, executive director of the National Women's Political Caucus, put it this way:

> ". . . Women candidates are often behind from the very start and must campaign twice as effectively—with the same amount of available funds—as their opposition . . . I am inclined to refer to the new legislation as the 'Incumbents' Relief Act,' for the law is just that."[70]

Because of this skepticism and because these laws are so new and untried, the IWY Commission has called for a study of State and national campaign finance statutes as they affect women candidates. It also asks a review of the franking privilege, which is a great financial boon to incumbents.

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[69] *New York Times*, Feb. 2, 1976, p. 4.

[70] Testimony of Jane McMichael before the Women in Public Life Conference at the LBJ Library in Austin, Tex., Nov. 10, 1975.

The Commission recommends that:

> "A special committee of the National Clearinghouse of the Federal Elections Commission, or a similar body of any newly established commission, be appointed to assess the National and State public campaign finance laws and their impact on women."

The recommendation calls for 50 percent female membership on the committee and urges that the study encompass the entire 1976 election year.

The Commission also asks that various forms of public financing be compared to determine which methods provide incentives for women to become candidates.

Attacking the financial problems of women in politics from a different direction, the Commission recommended that State legislatures consider enactment of legislation similar to that in North Dakota where the State partially subsidizes delegates to national party conventions.

Commission members heard testimony about the loneliness women in public life face, especially those holding office in villages and small towns. They saw the need for an elected woman's political network where experience can be shared and ideas exchanged.

Status and role problems also are difficult for the woman office holder. Sarah Weddington, a Texas State legislator, says that almost weekly she receives invitations for "you and your wife."

She tells about the time she was one of 10 members of the legislature who received a State bar association award for outstanding service to the legislature. On the handsome, walnut plaque engraved in gold were the words: "With grateful appreciation to the honorable Sarah Weddington for *his* dedication and service to the state of Texas."

Not as amusing is the case of Jeanne Bridenstine, one of three members of the Jasper County Board of Supervisors in Newton, Iowa. Six weeks after she was sworn into office early in 1975, she was still without a telephone, paperclips, rubber bands, and pencils. Even an old bookcase, being discarded by another county department, was denied her.

Mrs. Bridenstine could not get the materials because the other board members, both men, refused to approve a supervisors' budget.

The *Des Moines Tribune* on its editorial page said:

> "Jeanne Bridenstine isn't a fresh, '20-year-old chick.' She points that out herself. But the 51-year-old new member of the Jasper County Board of Supervisors is like a breath of spring . . .
>
> "Mrs. Bridenstine is the first woman elected to the board, and she has been having status and role problems with her two male colleagues.
>
> "The problems and the male perpetrators of them are petty . . . Beneath the surface of this pettiness runs a deep strain of the kind of unenlightened attitude that we thought had gone out with the '60's—1860's, that is."[71]

Mrs. Bridenstine solved the office equipment problem by bringing pens and pencils from home. But she found that any motions she made were never seconded. Her motions to get $6,000 in county funds for jobs for young people, and $3,000 in county money for legal aid services for the poor, died, and were never recorded.

Board Chairman Francis Van Zante admitted to the *Des Moines Tribune* that he didn't like the idea of having a woman on the board.

"On some boards, yes," he said. "But it's really a man's job to look after the roads and the bridges."

The newspaper editorialized that his statement

> ". . . ignores the many women who drive cars, trucks, tractors with aplomb; . . . and who anyway would start from the same point on the road and bridge specifications as men supervisors. They all need to consult specialists. There is no masculine mystique about roads and bridges."

One year later, 1976, Mrs. Bridenstine is still without county pens and rubberbands. She still does not have an office telephone.

> "But that's not so important. What is important is that the men still will not vote for any measure that I initiate. I know we differ some philosophically. But we all are Democrats. Seventy-five percent of the trouble is that I am a woman. I understand they agreed to stand together on this even before I took office."

Help for such problems (and others) is what the Commission means when it says assistance must be provided for women already active in public life. In addition to suggesting a political women's network, the Commission says:

> "Technical assistance should be offered so women can stay in public life, function suc-

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[71] *Des Moines Tribune*, Feb. 24, 1975, editorial page.

cessfully and expand their effectiveness. The development of new organizations of political women should be supported and communication among them should be encouraged by the development of newsletters and other vehicles of communication."

The Appointive Job

Elected officials comprise only a part of those who govern. Much of the quality of life of Susie and John Q. Citizen today depends on the decisions of persons appointed to regulatory boards and commissions. In addition there are the thousands of advisory boards and commissions, which help to establish policy in local, State, and Federal Government.

Utility bills, the zoning rulings in cities, the station that is granted a TV license—are all determined by or regulated by appointive job holders.

"Certainly the actions of these agencies have as much gravity, long-term consequences, as many decisions made by our elected officials," says Governor of Connecticut, Ella T. Grasso.

As in elective office, women are almost invisible in appointive posts.

The Center for American Women and Politics, Eagleton Institute, at Rutgers University, studied women's roles on State boards and commissions for the IWY Commission.

The Center's research (1975) shows that in 39 States[72] 53 percent of such boards and commissions had no women members at all.

The proportion of women serving extended from a low of 8 percent in Mississippi to a high of 23 percent in Arizona, Hawaii, Iowa, and Washington.

What perhaps is even more alarming is the fact that on small boards—often the most powerful in a State—there are less likely to be any women. Seventy-eight percent of 3-member boards among these 39 States were all male. Sixty percent of 6-member boards were all male. And in the small boards the proportion of women serving is also low. Three-member boards averaged 12 percent women; 7-member boards averaged 18 percent.

Boards with at least 25 members averaged 29 percent women. In view of their size it is believed these boards are honorific or advisory rather than decisionmaking.

Thus the Commission recommends that governors set as a goal for 1980 a significant increase in women members and that by 1985 equal membership of men and women be achieved. It also asks governors to pay special attention to increasing the number of women on small boards.

The Commission recommends that a current, accurate, and centralized list of State board and commission membership be easily accessible to the public and that governors designate an officer to seek out women for appointment.

The Commission calls on women's groups in the country to work for appointment of women, and it commissioned a paper on "How to Move Women into Appointive Office." The paper is published in full in Part VI, the Appendix of this report. It will be helpful to women's groups and women candidates as well.

Since women in public life seldom have financial assets or support staff to call upon, the Commission asks that women who are appointed to office, whether on a local, State, national, or international level, be offered agency support services and reimbursement of actual expenses.

The Judiciary—Where Are the Women?

The Commission looked at appointments to the judiciary. In the Federal court system, in 200 years only 10 women have ever been appointed to the Federal bench. Of the current 399 authorized U.S. district judgeships and 97 authorized judgeships of the U.S. Courts of Appeal, women are actively serving in only four.[73] No woman has ever been appointed to the nine-member U.S. Supreme Court.

The State and national picture is just as bleak. In 1970 there were 11,380 judges, both elective and appointive, serving throughout the United States. Slightly over 7½ percent (869) were women.[74]

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[72] States from which information was not available: Colo., Ky., Mass., Minn., Mont., N. Mex., Pa., Tenn., and Wis.

[73] Women on the Federal bench in the spring of 1976: Shirley M. Hufstedler, Judge, U.S. Court of Appeals, Ninth Circuit; June Lazenby Green, U.S. District Judge for the District of Columbia; Constance Baker Motley, U.S. District Judge for the Southern District of New York, all three appointed by President Johnson; and Cornelia G. Kennedy, U.S. District Judge, Eastern District of Michigan, appointed by President Nixon.

Seven women are among the 357 judges in State Courts of Last Resort; five women now serve on State Intermediate Appellate Courts.[75]

The IWY Commission recommends that the President and, where applicable, governors should significantly increase the number of women appointed to the judiciary, particularly to Appellate and Supreme Courts.

Working Women and the Unions

> "I am a grandmother and I have been a member of the I.L.G.W.U. (International Ladies Garment Workers Union) for 27 years. Altogether I have worked 35 years in the garment industry.
>
> "The men in our union have virtually closed all the doors to advancement. The best they will allow us is token recognition and meaningless duties."

The speaker was Ida Cabral of Fall River, Massachusetts, who testified at the Massachusetts Public Hearings for IWY late in 1975.[76]

> "An industry composed of 80 percent women and we cannot find one of our sex at the top of any of our regionals and not one woman heading up those large New York locals. I and my fellow workers have toiled earnestly just trying to earn a decent living . . . I am not a liberationist but I want proper respect and just rewards for the work we do . . ."

Mrs. Cabral, a buttonhole operator, knew what she was talking about. Though the I.L.G.W.U. has one woman[77] on its 23-member international board (4½ percent female representation), many rank-and-file women members view her as a token appointee. And they feel that one woman is completely inadequate considering the union's 80-percent female membership.

Ida Cabral, a buttonhole operator, is shown at her sewing machine in the Beacon Garment Factory in Fall River, Massachusetts.

The I.L.G.W.U. is not the only union which has few women in policymaking positions.

The Amalgamated Clothing Workers of America have two women on a national board of 20 (10 percent representation). The membership of this union is also 80 percent female. Only half of its 737 locals are headed by women.

The Retail Clerks International and the International Brotherhood of Electrical Workers, both with large female memberships, have no women on their top boards. The board of the Communications Workers of America has one woman out of 20 members.

A 1973 survey made by the Women's Bureau, Department of Labor, shows that of 4,800 reported positions on top union governing boards, only 350 jobs were held by women.

Even fewer women help negotiate contracts, though the figures are difficult to find. The United Automobile Workers, with about 14 percent of its top local offices filled by women, have less than 10 percent women bargainers.[78]

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[74] U.S. Department of Commerce, Bureau of the Census, 1970 Census of Population, Detailed Characteristics, p(1)–dl U.S. Summary.

[75] National Center for State Courts, Denver, Colo., "Number of Women on State Supreme Courts," Sept. 22, 1975.

[76] Hearings held in Norton and Boston, Mass., Oct. 13–14, 1975, through collaboration of Wheaton College and Rep. Margaret Heckler.

[77] Mattie Jackson of Los Angeles.

[78] *New York Times*, Mar. 29, 1976, p. 34.

Concerned that union women are not getting benefits at the bargaining table which speak to their needs, and that they are suffering discrimination in other ways, the Commission is recommending

> . . . "that unions review the impact on women of all their practices, including negotiation of contracts, representation in grievances, organizing priorities and appointment of personnel, and that the unions correct any practices that are unjust to women."

In order to make union organizing possible in occupations filled primarily by women and which are presently excluded from protection by law (such as domestic workers), the Commission is recommending that the President ask Congress for legislation which would extend coverage to those occupations under the terms of the National Labor Relations Act.

The Commission, through its Women in Power Committee, questioned why women, once they are union members, do not advance more quickly into union jobs of influence. Expert witnesses cited the American socialization process which destroys a woman's motivation for leadership, and they stressed the fact that getting a union job is a political process in which women have little experience.

Barbara Wertheimer of the Cornell University Labor and Industrial Relations School told the Commission:

> "Women have to learn how to operate within their locals and how to run for office effectively . . . Women leaders see themselves as helpers. They see the union as hierarchical and they feel closed out of decisionmaking. But they want to move ahead."[79]

Ana Parilla, who handles grievances for a union council of school lunch workers in New York City, is one of the women who has "moved ahead" and is not through moving upward.

Twenty-six years ago, when Mrs. Parilla arrived in the United States, she realized her heavily accented high school English was a handicap. So she got a job, joined a union, and studied.

Babies came along, three of them, and she moved into better jobs to help her husband with the bills. She went to school again to become an occupational therapist. Incredibly, she also found time to be active in her union, and when the American Federation of State and Municipal Employees' district council needed a worker with special union skills, Mrs. Parilla was chosen.

Although confident of her ability, Mrs. Parilla went back to school in order to deal more comfortably with the problems of her new job. She enrolled at the New York State School of Industrial Relations.

> "What I really want to do someday is to get into union politics. And I want to help in my community because I don't think Spanish-

"When I was appointed to the Board of Regents in Ohio in September of 1972 for a nine year term, I was flattered and excited. I was the first and only woman on the Board—a real break-through for women on a truly powerful, influencial Board. My first experience as the only woman was dismaying. I was treated with great politeness, deference, but I did feel I was not taken seriously. Many arrangements were made late at night over meals when some of the men just got together and I was not normally present. And incidentally, no one seemed to know the location of the ladies' room. We always seemed to meet right across from the men's room, no matter what city was our host. When a second woman was appointed, the change was dramatic. We were both considered individual members of the Board, not just women, and listened to, accordingly."

Ohio Regent
Mary Ellen Ludlum

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[79] Barbara Wertheimer, testimony before the Women in Power Committee at the Women in Public Life Conference at the LBJ Library in Austin, Tex., Nov. 10, 1975.

speaking people are moving forward fast enough."

The IWY Commission believes there are not enough schools teaching other Anas how to succeed in the union world and it recommends that leadership programs for working women, presently conducted by industrial and labor relations schools, be greatly expanded and upgraded. Labor education departments also should include more teaching opportunities for working women.

It also asks private foundations to give special attention to research projects that will collect data on female employees and elected labor union officials, with particular emphasis on the decisionmaking level.

Strong Laws—Weak Enforcement

This Nation now has a broad legal base to eliminate sex discrimination. This framework is made up of a series of strong laws enacted by Congress, Executive Orders issued by the President, and court decisions on those laws and orders.

Significant, precedent-setting court decisions on sex bias have been won under the Equal Pay Act of 1963 and the Civil Rights Act of 1964, as amended. These cases (which set affirmative standards on the definition of bona fide occupational qualifications,[80] maternity leave, definitions of "equal work," fringe benefits, and removing limitations on working mothers of small children) have made it easier for the women who later file complaints.

Large monetary settlements are convincing employers of the seriousness of eliminating sex discrimination in employment. For instance, since 1965 over $127 million has been awarded to 224,000 workers in back pay to correct their employers' violation of the Equal Pay Act.[81]

The Equal Employment Opportunity Commission (EEOC) has consistently issued the most forward-thinking guidelines on sex discrimination. The IWY Commission recommends that, whenever two civil rights agencies do not agree on an employment standard, the EEOC position should be adopted.

While the enforcement of nondiscrimination laws generally has been weak, as described below, the laws nevertheless had a positive impact. Many employees and educational institutions comply voluntarily, and the backing of the law has made it easier for individuals and organizations to secure voluntary change in institutions.

The most dramatic changes appear to have occurred in education, possibly because improvements are easier to document. In 1970, women represented 44.7 percent of the freshman class in institutions of higher learning; in 1973, the latest year for which data are available, 48.1

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[80] A valid reason which would justify exclusion of all men or all women from a given job has been very narrowly defined by the courts.

[81] Not included is $6,300,000 paid by American Telephone and Telegraph to 6,100 employees. While the violative practice was disclosed through wage-and-hour investigations, resolution throughout the AT&T system was secured through litigation by the Solicitor's Office, Department of Labor. Another consent decree in FY 1974 resulted in another $7 million to 7,000 employees.

percent. In 1970, women comprised 40.2 percent of the students beginning masters or doctors programs; in 1973, 44.5 percent.[82]

First year law students in 1970 were 10.2 percent women; in 1975, 26.8 percent.[83] First-year medical students in 1970 were 11.1 percent women; in 1975, 23.8 percent.[84]

Improvement in employment is harder to assess because of the many factors that influence pay and occupation, and because the detailed data needed is secured only in decennial census years. The following are indications of significant improvement:

- The 1970 census revealed some significant gains in occupational penetration by women since 1960. The proportion of women rose from 17 to 26 percent among accountants, 18 to 30 percent among bakers, 11 to 21 percent among bartenders, 10 to 28 percent among bus drivers, 18 to 28 percent among engravers, 8 to 12 percent among pharmacists, 17 to 26 percent among radio operators, and 9 to 14 percent among scientists.
- Skilled craft jobs were filled by almost one-half million women in 1970, up from 277,000 in 1960.[85]
- Victor R. Fuchs in an article in the *Monthly Labor Review* of May 1974 found that in spite of a very large increase in the employment of women during the decade which would tend to depress women's earnings, there was an improvement in the relative position of women. Under his formula, which factored out differences in schooling and age, the women's earnings ratio rose from 0.61 to 0.64 between 1960 and 1970.

Yet enforcement of laws and orders has been so poor that illegal discrimination remains rampant. Women are questioning the good faith and intent of the government in making legal protection a reality for millions of victims of discrimination.

Why has enforcement broken down in most places? It often breaks down before it begins. After a law is enacted, an agency responsible for administering the law must formulate and issue regulations or guidelines to implement the law. Oftentimes agencies have taken several years to draft these regulations.

For instance, title IX of the Higher Education Amendments was enacted in 1972. Title IX prohibits sex discrimination throughout much of our Nation's educational system. The Department of Health, Education, and Welfare's (HEW) implementing regulations did not go into effect until July 1975, 3 years later.

Executive Order 11246, as amended[86], has prohibited sex discrimination by Federal construction contractors since 1968. Yet the Office of Federal Contract Compliance Programs in the Labor Department, the administering agency, is still in mid-1976 not requiring affirmative hiring goals for women. It does, however, require such goals for minorities.

Actual enforcement begins after the regulations are issued. Or it should. But this process also is fraught with delays and difficulties.

One reason why voluntary compliance with the laws appears so weak is the failure of enforcement agencies to use their sanctions. Most women filing charges must wait years for agency action, to say nothing of time required for legal action if that becomes necessary.

The EEOC complaint backlog in the spring of 1976 topped 100,000. And sex discrimination complaints filed in 1970 with the HEW Office for Civil Rights were still waiting for processing 6 years later.

In spite of the backlog, HEW's Office of Civil Rights returned to the Treasury $2.6 million for FY 1975, about 10 percent of its budget. At the same time the same office complained that it did not have enough resources to investigate all of the complaints. And the number of new complaints in every agency grows each year.

In view of the widespread inability to handle complaints promptly and effectively, the U.S. Commission on Civil Rights has recommended that the best use of resources of the various enforcement agencies would be to focus on eliminating systemic (broadbased) discrimination.

For instance, the EEOC has been expending much of its energy on the cases of a relatively few aggrieved women (many of the cases with little precedent-setting effect), while large firms with thousands of workers openly maintain a pattern of segregation by both race and sex. These firms get off with only an admonition from EEOC.

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[82] U.S. Office of Education, National Center for Educational Statistics.

[83] American Bar Association, *Annual Review of Legal Education*, 1975.

[84] *Journal of Medical Education*, Feb. 1976, p. 144.

[85] Jean Wells, "Women at Work in the United States," *Industrial and Labor Relations Review*, Winter 1975.

[86] Executive Order 11375, Oct. 13, 1967, amended E.O. 11246 to prohibit sex discrimination in employment by the Federal Government and by Federal contractors.

As late as mid-1976 most women who have complained, as well as millions of discriminated-against noncomplainants, are left without redress.[87]

The Office of Federal Contract Compliance Programs, for example, has debarred (excluded from further contracts) only 11 contractors because of discrimination. Colleges and universities feel that by precedent they are safe from having Federal funds cut off by HEW, since such funds have never been terminated because of sex discrimination.

In April 1971 the Women's Equity Action League filed a class complaint of sex discrimination against Purdue University in Lafayette, Indiana. Five years later, in April 1976, the complaint had not been resolved and the university did not have an affirmative action plan accepted by HEW.

The Commission recognizes and abhors discrimination based on race, national origin, and age. However, by its mandate, the Commission was required to address itself only to sex discrimination. In so doing, members of the Commission rejected all strategies that pit one disadvantaged group against another. In addition, the Commission feels that all laws which prohibit discrimination must be vigorously enforced by the appropriate agency.

Most of its recommendations are applicable to problems common to all American women. But it is clear that some women—the aged, minority group members, and those with limited skills in English—are doubly disadvantaged and that a special effort must be made on their behalf.

Several laws prohibit sex discrimination in employment (see Part VI, the Appendix for the chart on "Federal Laws and Regulations Prohibiting Sex Discrimination"). These laws, plus a firm base of court decisions, give working women many rights. However, women often have to go to court to win their rights under the law.

For example, Penelope Brace filed a complaint because she felt she was being discriminated against on her job.[88] The results of her action opened jobs on the Philadelphia police force to many women.

Mrs. Brace had been on the force for 8 years when she filed her complaint with the EEOC in 1973. She had applied to be a detective but had not even been allowed to take the test because she was a woman. EEOC ruled in her favor. So did the Law Enforcement Assistance Administration (LEAA), a Federal agency required by the Omnibus Crime Control and Safe Streets Act to see that funds it disperses are not used in any activity that discriminates.

LEAA was negotiating a settlement with the police department, but broke off talks when the department continued harassing Mrs. Brace. She had been discharged 3 days after filing suit against the police commissioner. She was ordered reinstated 2 months later by the City Civil Service Commission, but she was transferred and ordered to undergo a psychiatric exam.

LEAA referred the complaint to the Justice Department which secured a court order in March 1976. It provided that 100 of the next 471 vacancies are to be filled by women no later than December 1976. The separate jobs of policeman and policewoman were combined into one—police officer. Mrs. Brace is continuing a separate court suit charging harassment.

The IWY Commission surveyed the scope of employment laws and their enforcement to determine gains made for working women and areas needing improvement. While many breakthroughs and improvements have occurred, the enforcement effort must be strengthened. Too often gains come as the results of determined women like Penelope Brace, rather than as the result of actions by agencies charged with enforcing the laws.

Toward this end, the Commission made detailed recommendations for improvements to the EEOC, the Office of Federal Contract Compliance Programs, and the administrators of the Equal Pay Act. The Commission did note favorably that many court cases have been selected for processing and have won under the Equal Pay Act. In addition, the Commission wants the Office of Revenue Sharing, Department of the Treasury, to issue strengthened rules prohibiting sex bias by recipients of revenue-sharing monies.

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[87] Dr. Barbara Bergmann, "Project on the Economics of Discrimination," University of Maryland, 1976, p. 22.

[88] Alexandra Sandler, "Sex in the Office," *Philadelphia* magazine, Feb. 1976.

Delta State University's star basketball center Lucy Harris takes over the ball.

Photo courtesy of Delta State University

The Commission is sympathetic to the plight of employers who receive different and sometimes conflicting advice from Federal agencies on how to implement civil rights laws. This situation is dramatized in a letter written by E. L. Strider, President of Maine's Colby College, to lawyers at the EEOC last year:

> "Colby is prepared, as we have always tried to do, to comply with the law of the land, but first it would be helpful to know what the law of the land is."

The confusion arises from different employment standards on fringe benefits set by the EEOC and the Office of Federal Contract Compliance Programs, Department of Labor, both of which enforce antidiscrimination laws.

The Commission recommends that all agencies with civil rights functions adopt uniform policy guidelines on employment matters. Whenever there is a variance among agencies, the EEOC position should be the one followed because its current guidelines provide the most protection to women workers.

A "Sporting Chance" for Women

Lusia (Lucy) Harris stands 6 feet 3 inches tall, weighs 185 pounds, and is the star center for the Lady Statesmen basketball team of Delta State University in Cleveland, Mississippi. She has led her team to two national championships in the Association of Intercollegiate Athletics for Women. And the school revived basketball for girls only 3 years ago.

A physical education major just completing her junior year, Lucy hails from the cotton field community of Minter City, Mississippi (pop. 200). Following her return from participating in the World Games and the Pan American Games in South America, Lucy was honored on the Delta State campus with her own pep rally. In the fall of 1975, she became the school's first black homecoming queen on a campus that is 88 percent white.

Basketball has opened up for Lucy opportunities that she might never have had otherwise. To many sports fans, she is the best female basketball player in the country. Such opportunities have been available to boys for decades, but they are just beginning for girls, as more and more of them become interested in sports.

At Delta State, basketball for girls was reinstituted after a 40-year layoff because the students demanded it. But another force was being exerted at about the same time. That second influence is title IX, enacted in 1972, which bans sex discrimination in sports as well as in other aspects of the educational system. The combined thrust of the great interest of girls in sports participation and the new legal base has led to many changes.

For example, the girls' volleyball team at West Hempstead High School, Long Island, New York is able to practice in its own school gym now. In 1975 the girls had to walk half a mile to the Cornwell Elementary School so that the boys' teams could use the high school gym. The high school director of athletics says that the elementary school gym is too small for 17-year-old boys. To accommodate the girls, he has scheduled younger boys for practice at the elementary school.

Margaret Dunkle, chair of the National Coalition for Women and Girls in Education, says

> "There has been a virtual explosion of sports opportunities for women and girls since Title IX became law in 1972. They now have legal clout to get a 'sporting chance' in schools and colleges. Title IX has given it a push, but God forbid, if it were ever repealed, we could not turn back the tide. There has simply been too much pressure from women's athletics, women in the professions, women's organizations, even parents."

This "pressure" takes many forms. Carolyn Folisi, a student at Memorial Junior High School in Lyndhurst, Ohio, liked sports. When she asked about the lack of interscholastics sports programs for girls, she was told that a fine program existed in the school system but that there wasn't enough interest for the school to implement the program.

Carolyn began to circulate petitions among the 500 girls in her school. While the boys criticized her idea as hysterical and outrageous, she collected signatures from 250 girls. And now a sports program for girls has been started, thanks to her persistence.

"Sports activities often lead to a respect for cooperation, team spirit and comradery, all experiences that have been an accepted part of the male society but basically foreign to women. Some psychiatrists feel that men are usually better prepared for interplay in the business and professional world because of what they've learned on athletic fields. If this is true, women are now beginning to get that same training in winning, losing, competing and cooperating."

Dr. Joyce Brothers
television personality and
nationally syndicated newspaper
columnist

In Pennsylvania women used another legal avenue, the Equal Rights Amendment to that State's constitution in their efforts to end sex discrimination in sports. And they won.

Last year, the Commonwealth Court, one level below the State Supreme Court, ruled it unconstitutional to prohibit coed sports participation and practice. Specifically, the court overturned one provision of the Pennsylvania Interscholastic Athletic Association's constitution, which reads: "Girls shall not compete or practice against boys in any athletic contest."

PIAA is an association of all Pennsylvania public senior high schools (except those in Philadelphia), some public junior highs, and some private schools. It regulates competition for 17 sports, including basketball, field hockey, gymnastics, swimming, golf, and tennis.

In giving the court's opinion, Judge Genevieve Blatt said,

> "If any individual girl is too weak, injury-prone, or unskilled, she may, of course, be excluded from competition on that basis but she cannot be excluded solely because of her sex without regard to her relevant qualifications."

The State Board of Education has issued regulations to provide "a comprehensive program of athletics to both boys and girls, taking into account what may be the special needs and/or interests of the students. Such a program may consist of separate teams for boys and girls in certain sports where this is desirable to maintain or develop effective male or female participation. . . ."[89]

The IWY Commission believes that opportunities for active participation in sports must be made available to all Americans, male and female. To help achieve this goal, the Commission urges that women have greater involvement in the Olympics and in other sports governance groups. It asks that the Commission on Civil Rights proceed forthwith on its study of athletics and title IX.

The Struggle in Education

Biochemist Dr. Sharon Johnson thought that she would succeed in academia if she followed the rules as explained by her department chair-

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[89] 22 Pa. Code, Chap. 5, *Pennsylvania Bulletin*, vol. 4, no. 44, Oct. 12, 1974, p. 2171.

> "Complaints are always costly—both to the individual and the organization, but sometimes they are necessary; and I do respect those gutsy women who care enough about justice to take their cases all the way to the top. But they desperately need support from other women. Often these women have been severely damaged by the system that discriminates and forced, by lack of alternatives, to file complaints. Support of their personality and exclusive self-concern can be difficult to muster. But even if their case appears weak or irrational, they must not be shunned. If we women can't hold together over complaints and support each other, that avenue will become so unpleasant as to actually be unusable for less aggressive women, and we will lose one more potent tool for change."
>
> Tina Hobson
> speaking before a conference,
> "Women in State Government,"
> February 21, 1974,
> Columbus, Ohio

man. But the rules changed when she sought tenure at the University of Pittsburgh School of Medicine.

Dr. Johnson, a Ph.D. from Massachusetts Institute of Technology, was hired in 1967 by Pittsburgh as an assistant professor, without tenure. Her initial 3-year appointment was renewed, giving her until June 1973 to obtain tenure or be dismissed.

The department chairman had told her that people were given tenure if they were elected to the American Society of Biological Chemists and did research. At Pittsburgh she accomplished both, the latter through a $93,000 laboratory research grant from the National Institutes of Health. She also had other grants.

Everything seemed to be going well; she had not been told of any deficiencies in either her work or her research. But in October 1971 a faculty committee met, without telling her, and voted to deny her tenure. Dr. Johnson could not discover the reasons for their decision until January 1972. The committee had said her teaching was inadequate (based on observation of four of her lectures) and her research irrelevant. They had ignored her previous 4 years of teaching and work with graduate students.

Dr. Johnson got no satisfaction on her appeal through the school's grievance procedures. Efforts to move her research lab to other schools were unsuccessful. She began to realize that being dismissed from Pittsburgh would mean the end of both her research grant and her teaching career.

In the spring of 1972 she filed sex discrimination complaints with both the EEOC and HEW. When it appeared that nothing would happen, she went to court at her own expense, winning a court injunction preventing her termination. Her lawyer believes it is the first time such an injunction has been issued against a university.

The EEOC eventually made a finding of discrimination but its conciliation attempts failed. She is still in court on her sex discrimination fight and no decision is expected until late 1976.

Tenure, of course, is not the only area of higher education where women suffer discrimination. Many articles, have been written about women being hired for faculty jobs at men's expense because of affirmative action plans. But the evidence does not back this up. Statistics released in January 1976 by the National Center for Education Statistics[90] show that conditions have not improved markedly for women. The report covers both private and public institutions and shows:

1. From 1974 to 1975 the percent of women faculty remained constant at 24 percent. The number of women relative to men declined at

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[90] Memorandum from Marie D. Eldridge, Administrator, National Center for Education Statistics, Department of Health, Education, and Welfare, Jan. 27, 1976.

the ranks of professor, associate professor, and instructor but increased for assistant professor, lecturer, and "undesignated rank."

2. Women's salaries increased less than men's salaries: 5.8 percent for women versus 6.3 percent for men. Furthermore, the mean salaries of men continue to exceed the mean salaries of women at every academic rank and at every level in both public and private institutions.

3. Sixty percent of men have tenure, compared to 42 percent of women.

Before the law passed in 1972, college professors were not covered by the Equal Pay Act, as Dr. Marilyn Stokstad discovered. A professor of art history at the University of Kansas in Lawrence, Dr. Stokstad hired male professors at salaries higher than hers in order to build a full doctoral program for her department. As she explains it, "I was proud to have the opportunity to do a great deal of work, even at much less pay. And, I always hoped for a raise."

Her attitude changed in 1971–72 when she worked with the American Association of University Professors' committee on women. Her group studied salaries of women in colleges and universities in the Kansas State system. Dr. Stokstad found she was one of the highest paid women at the university, although at that time she was paid $4,600 less per year than the lowest paid full professor in the department and $6,800 less than the highest paid professor. Since then, her pay scale has improved. Now, she only earns $50 a year less than the lowest paid male professor.

Because it took 3 years to issue implementing regulations for title IX, many colleges and universities did not start complying with the law until after July 1975. And, as was stated earlier, many are not following these regulations.

In view of the widespread lack of compliance and the all-too-frequent delays in handling complaints, the Commission is urging that sex bias problems be dealt with more fairly and quickly by HEW, whether the complaints are handled administratively under the Contract Compliance Program or the Public Health Service Act. The Commission says that HEW should withhold or terminate funds when necessary to assure compliance. And, in order to let people know about decisions, the Commission urges that HEW compile title IX rulings for use by its staff and the public.

In secondary schools too, women and girls find discriminatory policies. One Florida girl, Kathy Carmody, of Daytona Beach set out to change a policy and succeeded.

She wanted to study calculus, but higher math classes were closed to girls. Since there was only one teacher, the first priority was given to boys majoring in business. So, led by Kathy during the 1973–74 school year, the girls banded together and appealed to both the school board and school administrators.

"The next year there were nine girls in the class of 30," says Kathy. "However, since the change took a year, it messed up some girls' schedules because they were not able to take calculus before graduation."

In vocational education for wage earning, women's courses tend to be grouped primarily in the office category. Women are trained to be secretaries, bookkeepers, and keypunch operators and occasionally dental hygienists and computer programmers.

Marilyn Steele, Director of Planning and Community Activities, Charles Stewart Mott Foundation, in Flint, Michigan, told a congressional hearing:

> "Of the 136 Office of Education (OE) instructional programs, girls comprise a majority of enrollments in only 48 areas. Girls who enroll in female-intensive vocational programs are further limited to 33 wage-earning course options."[91]

To improve educational opportunities for women, the IWY Commission urges implementation of a 1972 OE Task Force Report reviewing the impact of title IX on OE programs. Further, the Commission recommends that the Commissioner of Education, HEW, use monies available under title IV of the 1964 Civil Rights Act to fund studies on sex discrimination in education.

Clelia Steele, associate director, Project on Equal Education Rights, sums up the reaction to title IX succinctly:

> "As I give talks around the country, I hear lots about how hard it's going to be to comply with Title IX, how difficult it will be to give equal opportunity to women. Well, I say that it's not a matter of difficulty or cost—it's a

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[91] Marilyn Steele, testimony before the Subcommittee on Elementary, Secondary, and Vocational Education, Committee on Education and Labor, House of Representatives, Mar. 17, 1975, p. 8.

matter of justice. Title IX is not the *cause* of all the furor over sex discrimination. Rather, it resulted from this discrimination."

Who Gives Credit Where Credit Is Due?

In 1975 the Equal Credit Opportunity Act, prohibiting sex or marital status discrimination in credit transactions, became effective,[92] and it was presumed that credit transactions should improve for women.

While women are generally finding it easier to obtain credit, this is not invariably the case, partly because women are not sufficiently aware of their rights in this field, and also because many of the 12 agencies which are charged with putting the law into effect have not yet established enforcement procedures. The Federal Reserve Board is responsible for issuing regulations, but other agencies share enforcement authority.

The IWY Commission, in its recommendations (see Part V) applauds the passage of the Equal Credit Opportunity Act and urges women to become familiar with it. The Commission wants all agencies involved in implementing the law to enforce regulations vigorously and train their staffs adequately.

Basically, the act and regulations provide the following rights and protections for women seeking credit. A creditor:

- Cannot require a woman to list alimony, child support, or maintenance payments. If she chooses to list them, the creditor shall consider such payments to the extent that these payments are likely to be made on a regular basis.
- Must list on the application form the name of the appropriate Federal agency where a woman can complain if she feels that she has been discriminated against because of her sex or marital status.
- Can no longer request information about the birth control practices a woman uses. Nor can a creditor ask about her childbearing intentions or whether she is able to have children. Further, a creditor can no longer assume that a woman may become pregnant at some point and leave her job to raise children, thereby eliminating the income to repay the debt.
- Cannot require a woman to reapply for a new account, change the terms of her account, or close the account automatically if she has not relied solely on her spouse's income in order to receive credit and if she changes her name or marital status. A creditor must have some evidence that she is unable or unwilling to repay the debt. (Skipping several payments is generally considered such evidence.)
- Must notify a woman as to whether she received the credit account or loan for which she applied. If she did not receive the credit and wants to know why, the creditor is required to explain why credit was denied.

The situation for homemakers may be different. In 42 separate property States, a homemaker who has no outside income must still give information about her husband's income, even if he does not intend to use the account. In the eight community property States[93] a different situation exists, whereby spouses are liable for each other's debts. Therefore, creditors will ask marital status and will require a husband's signature if he has a legal interest in property which is security for a loan.

One of the most flagrant credit abuses has been the refusal to give a married woman credit in her own name. This action is now illegal, but some women are still fighting it.

In 1954, Aline Fugh received a credit card from a Washington, D.C. department store. Three years later, in 1957, she married Daniel Berman and, as was customary in those days, changed her credit card account to Mr. and Mrs. Daniel Berman. (At that time, Daniel Berman was seeking his first teaching position, so it was the income of his wife that was used to secure the account.)

When he died in 1967, Aline tried to change the name on her account at the store from Mr. and Mrs. Daniel Berman to Aline Berman. She is still trying to change the name on that account. Two other stores, both women's specialty stores, changed her account name with no arguments.

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[92] The law was enacted by Congress in 1974, became effective in 1975, and was amended in early 1976. By April 1976 it had not yet been implemented by all 12 of its enforcing agencies.

[93] Community property States are Ariz., Calif., Idaho, La., Nev., N. Mex., Tex., and Wash.

Today she is the owner of one of Washington's successful downtown restaurants, Court of the Mandarins. And she asks:

> "Can you imagine fighting to change the name on my credit card for 9 years? I finally told them that if they wanted a dead male instead of a live female responsible for the bills, go after him for the payment."

"The battle to give women equal access to credit is far from won. True, there's a new law saying that no lender can discriminate on account of sex or marital status. But laws are administered through regulations, and those that the Federal Reserve Board just wrote to implement the Equal Credit Act are pretty weak."

Jane Bryant Quinn
nationally syndicated
newspaper columnist

Because they are now against the law, old attitudes about women and their financial status are beginning to change. For example, a woman is less likely to encounter the treatment given Ann Brown of Boise, Idaho when she tried to buy a house in 1975.

Ms. Brown had transferred from San Francisco to Boise to further her career with the Internal Revenue Service (IRS). First, brokers showed her cheaper houses than the price and quality she had asked for. Then a female broker showed her a house that she would buy. Next, she was told by a loan officer of the finance company which held the mortgage that the house was "out of the question for you." Ms. Brown persisted and the loan officer challenged the truth of her statement that she was earning $22,500 a year with IRS. The finance company also told her she would have to pay a higher rate of interest than it had advertised, although this was illegal.

Ms. Brown's ire finally overflowed and she went to her own bank, which gave her the loan.

Another example is the experience of Carol Knapp Lewicke and her husband Marty. Before they were granted a Veterans Administration loan to buy a house in Arlington, Virginia in 1972, they were required to give notarized statements that she would not become pregnant.

Further, his notarized statement had to say that if she became pregnant, he would agree to an abortion and that he would have a vasectomy performed. And hers specified that she would have an abortion if she became pregnant and that if she stopped taking the pill, she would agree to her husband's vasectomy.

Denial of credit to women is surprising since there is long-standing evidence that women are better credit risks than men. One study, done in the mid-1960's, "measured risk on installment credit, and found for both married and single women the bad account probability was substantially lower than for men with the same material status."[94] This confirmed an earlier study from 1941: "The classification of borrowers by sex and marital status indicates that women are better credit risks than men; and the superiority appears to be statistically significant."[95]

Because credit regulations are now so much more supportive of women, the Commission reiterates its plea that all women learn the provisions of these new regulations and where to turn for help if they feel they are the victims of discrimination.

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[94] 2 *Management Science*, 1964, pp. 327–340.

[95] D. Durand, "Risk Element in Consumer Installment Financing," *National Bureau of Economic Research*, Tech. Edition 74, 1941.

Women in the Work Place

Employment Trends

Women continue to enter the labor force in great numbers. The government's economic report for January 1976 stated: "The labor force has grown by 1.5 million over the past year, with adult women accounting for 1.1 million of this increase." This massive movement of women into the labor force is spread across age groups fairly evenly.

WOMEN IN LABOR FORCE BY AGE GROUPS*

Age Group	*Percent*	
	1947	*1974*
20 to 24 years	45	63
25 to 34 years	32	52
35 to 44 years	36	55
45 to 54 years	33	55
55 to 64 years	24	41

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*Manpower Report of the President, Apr. 1975. (Percents are of all women in the listed age groups.)

With over 37 million women working outside of the home, the conditions of their employment became a prime concern of the IWY Commission.

The Commission expressed concern about the effect of the economic situation on women's employment. In 1975 and early 1976 private and public employers were laying off workers, many of whom were women. These women, who had frequently been the last hired, were the first fired. Many had been hired into traditionally "male jobs" or were women who had been promoted because of affirmative action programs.

Thousands of women workers could not find jobs at all because of the depressed economy. Unemployment rates since 1948 have been higher for women than for men for every year except one. The Commission pointed out that no great inroads can be made in improving the number of women employed, the kinds of jobs open to them, or their pay rates under the economic conditions existing in 1976.

The one million divorces in 1975 certainly were responsible for some of the large numbers of women entering the labor force. When only 14 percent of women are awarded alimony and when child support payments are generally less than half enough to support the children, most divorced women who have been homemakers must enter the labor force or go on welfare.

The principle of "last hired, first fired," was dealt a blow by the U.S. Supreme Court on March 24, 1976. The Court ruled that blacks who were denied jobs in violation of title VII of the Civil Rights Act of 1964 must be awarded retroactive seniority once they succeeded in getting those jobs.

This ruling appears to insure the same rights to women who were discriminated against on the basis of sex.[96] The ruling apparently supports the general concept of affirmative action, which was strongly endorsed by the IWY Commission.

In examining working women and their difficulties, the Commission specifically dealt with four areas. The Commission examined women entering the skilled crafts and blue collar jobs; secretaries; women who own their own businesses; and new ways in which pay rates are being evaluated. These are the subjects of the sections that follow. (For Commission recommendations urging enforcement of antidiscrimination employment laws, see section on "Strong Laws—Weak Enforcement.")

Where the Money Is

There's money to be made in skilled craft jobs and some women are going after it.

To learn a trade, get a union card, and find a job are not easy tasks for women. The IWY Commission, through its Enforcement of Laws Committee, examined the barriers that keep women out of high paying crafts.

In particular, they looked into practices in the construction industry to determine how nondiscrimination laws are applied. Construction work has been a white male preserve for so long that a "macho" folklore has grown up around it. But modern technology has made nearly all construction jobs easier and has brought many of them within the capability of many women.

One such woman is Jeralee Tietz of St. Joseph, Missouri, who wanted to be an ironworker and finally succeeded, though she still earned $3.60 an hour less than a man in her job would earn.

An ironworker? Why would a woman want to be an ironworker?

"I love it," Ms. Tietz says. "You don't have the tedium of an office job. It's physical work and there's the satisfaction of seeing a structure that you helped put up."

Ms. Tietz had grown up around construction. She had been a clerk for her father, a builder, and she was married to an ironworker. One day her husband jokingly asked her to join him on his job. Why not? A clerical salary was $2.25 an hour; an ironworker earned $9.60.

So Mr. Tietz set out to teach his wife and she, like a man without specific experience, applied to the union for a permit while getting on-the-job training. The union refused her request.

She went to work anyway, but without a permit she was a nonunion apprentice on union construction. Finally she was fired when other workers threatened to walk off because of her. Disgusted, her husband quit the union and the two of them worked nonunion jobs. Their pay, however, was $6 an hour instead of $9.60.

In 1975 the couple opened their own business selling and erecting metal buildings, and Ms. Tietz filed a $100,000 sex discrimination law suit against the union. In May 1976 the suit was still pending.

One place where women have made a significant breakthrough in construction employment is on the Trans-Alaska pipeline. Enforcement of sex discrimination laws there is a Department of Interior responsibility.[97]

From July 1974 through December 1975 the employment of women in nontraditional, blue-collar construction jobs increased from 21 to 1702.[98] And by the end of the year women were being hired as electricians, welders, sheetmetal workers, carpenters, and pile drivers.

Melva Miller, an apprentice ironworker at Pump Station 1, Prudhoe Bay on the north

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[96] *New York Times*, Mar. 25, 1976, p. 1. The ruling does not mean that every minority member or woman who is newly hired by a company that once discriminated can get retroactive seniority. The person must prove in Federal Court that he or she was denied the job because of unlawful discrimination after title VII went into effect. Guidelines were set up for establishing such claims. What the ruling does do apparently is to support affirmative action and strengthen title VII's provisions for affirmative action as a remedy in discrimination cases.

[97] Interior also has awarded more than $50 million in contracts and purchase orders to female-owned businesses since pipeline construction began.

[98] These gains were accomplished largely through the voluntary compliance of Alyeska Pipeline Service Company, the firm responsible for the design, construction, and operation of the Trans-Alaska pipeline.

More and more women are finding jobs in construction work, especially on the Trans-Alaska pipeline. Melva Miller (left) is an apprentice ironworker near Prudhoe Bay, and Jan Burson (above) drives a tank truck at a camp near the Yukon River.

Photos courtesy Alyeska
Pipeline Service Company.

slope of Alaska, is one who disproves the myth that no women want to do heavy outdoor work. Employed by Alyeska, she worked first as a "bullcook,"[99] making beds and cleaning rooms. She was earning $9.71 an hour, but when the chance came to work her way into an ironworker apprenticeship, she took it.

An Athabascan Indian, Melva was eligible for several minority training programs sponsored by the company, but she chose to learn her new trade on her own at night, after working a full 10-hour day on the cleaning job.

Now she is earning $10.01 an hour, which will increase considerably when she finishes her apprenticeship. As for long-term plans, Melva may return to college or pursue the ironworker trade. "I love welding," she says. "I don't know what I will do after the pipeline, but there are lots of opportunities for women ironworkers."

Another woman on the pipeline, attracted to a "man's" job because of the pay, is Jan Burson, a 22-year-old teamster at Five Mile Camp, the first camp north of the Yukon River.

Jan used to be a secretary in Juneau. Now she is driving a 2,800-gallon tank truck, servicing fuel plants and generators. She's making $10.03 an hour and in the eyes of Bill Clark, a heavy duty mechanic who has been in and around construction for 40 years, "She's doing as good a job as a man could possibly do."

Her foreman, Ernie Mann, says, "I'd like to see a lot of guys work as well as she does."

Jan, who is on the job 10 hours a day, is saving her paychecks for a sailboat and to continue her college education. She already has 2 1/2 years toward a degree in environmental technology and marine biology.

Despite the good record of the Interior Department in Alaska, the Office of Federal Contract Compliance Programs (OFCCP) in the Department of Labor has never required goals for women in voluntary hometown and OFCCP-improved construction plans, such as the "Philadelphia Plan." (Under this plan contractors, unions, and representatives of the minority community met to set goals for minority hiring.)

One excuse given for not including women is the argument that there are no trained women available for these jobs. In 1975, when OFCCP held its first hearing to decide if goals for women would be a good idea in the Baltimore Plan, Federally Employed Women testified that as early as 1970 women were already working in many of the skilled construction trades.

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[99] The term "bullcook" dates from logging and fishing camp days when there were no women in camp and men who did the cleaning did not want an emasculating title, so "bullcook" was invented.

In Baltimore alone there were 109 women carpenters; 131 women electricians; 458 welders and flamecutters.[1]

CONSTRUCTION CRAFT BY SEX*

Craft	*Men*	*Women*	*Total*	*Women (%)*
Carpenters	8,923	109	9,032	1.21
Electricians	5,632	131	5,763	2.27
Floor layers (except tile)	243	8	251	3.19
Furniture & wood finishers	192	26	218	11.93
Glaziers	253	6	259	2.32
Painters, construction, & maintenance	3,843	94	3,937	2.39
Paperhangers	140	5	145	3.45
Plumbers & pipefitters	4,649	52	4,701	1.11
Roofers & slaters	579	16	595	2.69
Furnacemen, smeltermen, & pourers	1,243	36	1,279	2.81
Welders & flamecutters	5,055	458	5,513	8.31

*Bureau of the Census, Volume PC(1)-D22, "Detailed Characteristics," State of Maryland, table 171.

In Washington, D.C. in March 1976 Marcia Baham of Brentwood, Maryland said that although she had been an apprentice with construction experience in the United Brotherhood of Carpenters and Joiners of America for 3 years, she has had trouble holding a job because of her sex. She has filed suit in the U.S. District Court in the Capital asking the court to order that the Washington Plan be amended to include women in its affirmative action-goals.

Ms. Baham has been joined in the suit by the Women Working in Construction, Wider Opportunities for Women, and three other women who say they have experienced similar sex discrimination.

Martha Tabor, a pile-driver on Washington's subway project and spokesperson for the Women Working in Construction, said in a *Washington Star* article April 1, 1976:

> "There are about 35 to 40 women working in the skilled construction trades in the Washington metropolitan area and probably more working as laborers . . .The main difficulty is just getting the job . . . If the contractors asked for women, the unions would hire them."

At the top of the ladder, Lucinda Keller works as a housepainter in Cambridge, Massachusetts.

From "Women at Work."
Copyright 1975 by Betty Medsger.

In order to lift the barriers that still keep women from getting high paying jobs, the IWY Commission asks that the Office of Federal Contract Compliance Programs immediately issue instructions that goals for women be included in all imposed and voluntary home town construction plans, either initially or when they are renegotiated. Goals for hires at the journeyman level should be double the percent of women working in each craft (according to the 1970 census), and the goals for hires in apprenticeship programs should be 10 percent initially and increased by 3 to 5 percent a year until 50 percent participation is reached. The Commission also asks that all OFCCP instructions on construction be revised to include women. Also the Commission recommends that the Secretary of Labor revise regulations on apprenticeship

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[1] Women Employed in Construction Crafts, Baltimore, Md., 1970.

Perched high above the ground, New England telephone installer Theresa Creed tests a customer's line in Boston's Back Bay.

programs relating to affirmative action plans and outreach efforts to assure that women are included.

Upward Mobility for Secretaries

Most secretaries are women. Gloria P. Green, Department of Labor economist, found recently that 78 percent of clerical workers are women. So are 91 percent of bank tellers, 87 percent of cashiers and bookkeepers, and 74 percent of payroll and timekeeping clerks.[2]

Since so many women work in clerical jobs, the IWY Commission examined the secretarial job and it recommends that supervisors and managers adhere to certain employment principles:[3]

1. The secretarial job should be viewed not only as a career in itself but also as one access route to other professional and technical jobs.
2. Career ladders, accessible to secretarial employees at all pay levels, should exist to provide pathways into other occupational fields.
3. Information about all types of job and training opportunities should flow freely to all employees. A secretary should receive information not only about secretarial opportunities but about other opportunities as well.
4. Job candidates should be routinely evaluated in terms of their acquired skills and past performance, in both paid and unpaid positions, and not primarily in terms of their previous job title.
5. Training agreements (or similar mechanisms) to qualify employees for more promising positions should exist in each place of employment.
6. Supervisors should be involved in career development activities with their employees and rated quite clearly upon their attention to this aspect of managerial responsibility.
7. A prime source of talent for filling vacancies should be current employees.
8. Substantial movement should take place between secretarial jobs and other occupational fields.

The Woman Entrepreneur

Women who want to go into business on their own have enormous problems. Arthur S. Flemming, chairman of the U.S. Commission on Civil Rights, calls them "staggering."

In a 1975 report he wrote:

> "Our investigations reveal that minority and female-owned firms encounter problems of staggering proportions in obtaining information on federal, state, and local government contracting opportunities in time to submit bids, and in obtaining working capital necessary for effective marketing and bidding.

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[2] John O'Riley, "The Outlook: Review of Current Trends in Business and Finance," *Wall Street Journal*, Mar. 8, 1976.

[3] Substantially similar to recommendations of the HEW Secretary's Advisory Committee on the Rights and Responsibilities of Women.

> "Minority and female entrepreneurs also encounter a great deal of skepticism regarding their ability to perform adequately on government contracts."[4]

Although Flemming was talking about women as government contractors, women in private enterprise face obstacles just as great.

The skepticism Flemming described sometimes exists even in the Small Business Administration (SBA). One Beltsville, Maryland woman told the Senate Select Committee on Small Business on February 24, 1976, her experiences in trying to get a Federal contract.

> "After 8 months of visits and phone conversations with the SBA staff, beginning in 1974, I was finally told about the Minority Enterprise Program, called 8(a). I had made it clear from the beginning that I was seeking federal contracts, and yet no one told me, a black woman, about this program.
>
> "After I finally found out about the 8(a) and submitted a business plan, a management evaluator was sent to perform a study and complete the management development plan. The evaluator did provide some valuable technical information, but he also interjected some very disturbing and irrelevant opinions in that plan.
>
> ". . .he completed the form with his ideas, attitudes, and answers, not necessarily mine. He described the business as 'interior design—especially contract and commercial—black female.' I do not agree the words 'black female' describe my business.
>
> "He checked negative to the question regarding spouse's attitude toward business, when in fact I did not have a spouse.
>
> "Another question on the form states: 'As a result of the interview, write a short narrative of the general impression *he* makes as a businessman. Is *he* articulate? Does *he* seem to have energy and drive? . . .Note any other comments you think would be pertinent."
>
> "Following are some of the answers the evaluator gave. 'Ms. X' [name withheld at her request] is a very strong-willed, yet feminine lady. She alleges that her desire to pursue a part-time career was threatening to her ex-husband's self image (machismo).' The remainder of his answers were so personal and irrelevant to the question that I choose not to verbalize them here."

The evaluator interjected his own value judgments into the report. She said that in his report he wrote that she wanted "slack" time to spend with her 3-year-old daughter. What she really needed, Ms. X said, were contracts to fill her "slack" time in order to put her business on its feet.

Betty Kwong works as an executive secretary in the international services division of Pan American World Airways, New York City.

From "Women at Work."
Copyright 1975 by Betty Medsger.

She went on to say: "I have since reported the entire matter to the SBA district office. . . and have received apologies . . .I have received my 8(a) approval but have gotten no Federal contracts or subcontracts."

SBA was created by Congress to encourage, assist, and protect the interests of small businesses; to identify and analyze their problems; to serve as voice and advocate for small business; to research and collect data; to widen opportunities for small businesses to start and to compete on an equitable basis; and to insure that small business concerns receive a fair proportion of government purchases.

Most women-owned businesses (90-95 percent) fit the SBA definition of a small business, says Susan Hager, president of the Association of

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[4] Minorities and Women as Government Contractors, U.S. Commission on Civil Rights, May 1975, p. i.

Women Business Owners and president of Hager, Sharp and Klass, Inc., a Washington consulting firm. Ms. Hager says:

> "Contrary to popular opinion, the typical woman business owner has not inherited an ongoing and successful business. The female entrepreneur owns a business which she started herself and oftentimes runs out of her home. The business is most likely a retail or service business. It is usually a sole proprietorship which grosses less than $25,000 a year, or is a company which has less than eight employees and grosses less than $100,000 per year."[5]

The only Department of Commerce census of women-owned businesses shows the kinds of enterprises women are most involved in. See table below.

10 LARGEST MAJOR INDUSTRY GROUPS ACCORDING TO RECEIPTS OF FIRMS OWNED BY WOMEN: 1972*

Industry group	*Firms (no.)*	*Receipts ($1,000)*
Eating and drinking places	27,402	993,170
Miscellaneous retail	65,265	949,624
Food stores	16,994	880,724
Automotive dealers and gasoline service stations	6,658	614,141
Personal services	68,298	583,590
Real estate	28,440	383,208
Apparel and accessory stores	8,391	357,838
Construction-special trade contractors	11,620	296,930
Business services	21,312	212,330
Hotels and other lodging places	12,546	196,449

*"Women-owned Businesses: 1972," Department of Commerce, Jan. 1976, p. 2.

When the Commission on Civil Rights asked a group of women to identify their major obtacles in obtaining contracts, more than half of them cited not only the lack of knowledge about bidding opportunities but also the lack of sufficient working capital.[6]

Not every woman in small business fails. Consider the success story of Priscilla Salazar of Denver, Colorado.

In 1974 Ms. Salazar, with the help of the Small Business Administration, obtained credit so she could open her own business, the "El Camino Real Bookstore." She not only succeeded with that; this year (1976) she landed a $200,000 Federal contract to supply educational materials to the Bureau of Indian Affairs.

Ms. Salazar had the help and encouragement of a former business associate in getting herself established. And through the assistance of the General Services Administration she became certified as a minority contractor. Space was located for her store in the Denver Federal Center and she got an SBA-backed loan from a Chicano bank, the Coronado National Bank of Denver. Within its first 9 months, the 2,000-square-foot store grossed $50,000.

"I felt there was a need for a central distribution point for bilingual materials on Chicanos and Native Americans, a place where teachers and librarians could come and browse," Ms. Salazar says. "And I certainly didn't object to making money."

Besides her walk-in store, she has also built up a large mail order business. Encouraged by her Federal contract with the Bureau of Indian Affairs, she is also thinking of adding bookmobiles to go into the rural areas of the Southwest.

She says she has had no great difficulties in her business, but she had to have her husband's signature and credit rating before she could obtain loans.She does get tired of receiving letters addressed "Dear Sir" or "Gentlemen."

She is building up a special line of scientific and technical materials and plans to add more materials by and about Chicanos and Native American women. No wonder Denver Coalition Ventures in 1975 selected her as the Outstanding Businessperson.

It is good to report also that various Federal agencies are taking an increasing interest in the woman entrepreneur. At a March 3, 1976, White House meeting on women in business, President Ford said:

> ". . . I am a strong believer that women have to play a major role in the business world. . . The role of women and the role of small business together should create a lively interest."

As a result of this meeting several Federal agencies will hold seminars around the country to provide technical assistance and tips on doing business with the government. The agencies also agreed to name top-level liaison persons to work with women's organizations and to help raise the consciousness levels of loan and procurement officers in regard to business women.

Inez Kaiser of Kansas City, president of the National Association of Minority Women in Business, summed up the meeting:

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[5] Testimony of Susan Hager before the Senate Select Committee on Small Business, Feb. 24, 1976.

[6] CCR Report, p. 24.

Priscilla Salazar checks displays in her Denver, Colorado bookstore.

> "We must leave united as a group of women to work together as women in business. Today is not the end but the beginning of working on our problems—let's pool our knowledge so we all can get a piece of the pie."

The IWY Commission joins Ms. Kaiser in calling for strong efforts to help bring more women into business ownership. In recommending a number of related actions (see Part V for all recommendations), the Commission asks the President to issue an Executive order establishing as national policy the full integration of women in business-related and procurement activities of the government.

The Commission also asks the President to amend Executive Order 11625 so that women are covered by programs administered by the Office of Minority Business Enterprise, which assists disadvantaged entrepreneurs.

Other recommendations ask for the collection of related data by sex, the development of outreach programs for women, an increase in the number of government contracts going to women, and monitoring of progress.

What Are "Equal Work" and "Equal Value"?

"Where is it written that an industrial nurse should be paid less than a millwright or an electrician?" asks Dorothy Haener, International

Representative, United Auto Workers, Detroit, Michigan.

"When you compare educational backgrounds and the skills used, you really have to question the pay rates.

"And did you know that in most factories the secretary earns less than the floor sweeper?"

Women are beginning to ask these kinds of questions as the concept of equal pay for equal work expands into a broader concept: equal pay for work of equal value.

For instance, the Equal Pay Act requires equal pay for male clerks and female clerks doing essentially the same work, but it does not require equal pay for men and women doing work of comparable worth, such as an electrician and a nurse.

Analyzing dissimilar jobs to determine their relative salary levels has been done for decades by industrial psychologists through job evaluation systems. Such systems are not performance appraisals of individuals; their purpose is to establish the worth of a variety of occupations to a business. Jobs of comparable worth then are to be paid the same salary.

The impetus of civil rights legislation and court decisions has led some industrial psychologists to look more closely at the methods used to evaluate jobs.

Judith Collins, a Chicago management consultant, says subtle sexisms frequently are present in such evaluations.

> "They may have built-in biases which weight men's jobs more than women's jobs. This, of course, means that the men get paid more money.
>
> "Let me give you an example. Industrial psychologists typically select several factors on which jobs will be evaluated to determine their 'worth.' These factors almost always include ones associated with men's jobs such as weightlifting and working conditions. But I have never seen a study which used the factor of manual dexterity which would give more value to women's jobs."

Or, as Dr. Bert Gottleib, a well-known industrial engineer puts it, "Why is lifting weight worth more money than thinking clearly?"

The IWY Commission felt that job evaluation systems ought to be examined because of their large impact on women's salaries. Testimony was heard from several sources, including the State of Washington.

Washington State decided to examine jobs of "comparable worth" in government and higher education to see if women were getting less money for doing jobs equal in skill and responsibility to those of men.

The final report concluded that there was an overall salary gap of 20 percent between men's and women's jobs of "comparable worth," with the men on top. No "women's jobs" were paid more than $800 per month yet 10 men's jobs received over $800 per month.

The impetus for the study came, incidentally, from the Federation of State Employees.

The process used to evaluate a job's worth was as follows:

> One hundred twenty-one job titles were selected for study because each was filled 70 percent or more by men or by women.
>
> Data on job content was gathered by using an extensive questionnaire which asked, "What is the most important duty of your job?"; "What reference materials do you use?"; "What is the hardest part of the job?"; and "What records and reports do you fill out?". The focus was on job classification and duties, not on the performance of any individual.
>
> The committees assigned points to various job components, such as interpersonal skills, knowledge, accountability, and working conditions. The points were then compiled to develop a "comparability worth" for that job.[7]

"Nothing has been done so far to implement the study," says Gisela Tabor, former executive director of the Washington State Commission on the Status of Women. "It would cost the state $55 million to equalize these pay scales."

The *Dictionary of Occupational Titles (DOT)*, which is presently in wide use by private industry and some State and local governments, caused a roadblock in 1970 in the State of Wisconsin.

The *DOT* is published every 10 years by the Department of Labor. It lists titles and assesses the tasks of 21,741 salaried occupations. Each job is given a code with three numbers defining the occupation and another three numbers assigning a skill level.

The staff of a federally funded project, Women in Wisconsin Apprenticeship, wanted to set up a 1970 program to train disadvantaged women as day care teachers. Planners sought

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[7] Norman D. Willis and Associates, "State of Washington—Comparable Worth Study," Sept. 1974.

Federal money to pay the employers for training women on the job.

But the staff found that "day care worker" was not even listed among the 21,741 occupations in the *DOT*. The closest was "kindergartener," which had the lowest possible skill code—.878. Any job with a rating this low can obtain Federal funding for only 4 weeks.

Norma Briggs, then Coordinator for the Women in Wisconsin Apprenticeship project, was incredulous: "I couldn't believe it. I discussed it with staff members, all of whom were men, by the way. One said something like, 'Every woman can have a child so every woman can raise a child.'

"In the *DOT* a dog trainer has a higher rating than a foster mother—evidently they feel that dogs are harder to train than children."

The women persevered and were able to convince the Department of Labor officials to fund the program; they recognized that women elsewhere might not be as fortunate, so they applied to the Department of Labor Manpower Administration for a grant to review the *DOT* in regard to the evaluation of women's jobs.

Their study, *Women's Work—Up From .878,*[8] was the first of its kind. The findings show that discrimination was worst in those jobs that require mothering and homemaking skills—certain paraprofessional jobs in education, health, and welfare work. The *DOT* classifies them as custodial or menial work, requiring only the most rudimentary or interpersonal skills.

For instance, foster mother and homemaker[9] are rated as the equivalents of maid.

More weight seems to be given to jobs requiring advanced degrees regardless of the demands of the work. A clergyman, urologist, anesthesiologist, and a dean of boys receive the highest rating for relationships with people, and "O" for mentoring. Yet, foster mother, a demanding job entailing the rearing of children who almost always have many problems, is given the second lowest rating, a "7" for serving.

The study summarized three reasons why jobs traditionally filled by women have low skill ratings, or are omitted from the *DOT*.

1. Women's work is underrated in the *DOT*. Based on analyses, the study team reevaluated "women's jobs" of homemaker, home attendant, and nursery school teacher from the lowest skill code of .878 upward to .124, .354, and .228, respectively.

2. Women's work is ignored by the *DOT*. For instance, in the area of day care alone, the team prepared 20 new entries which should appear in the next edition of *DOT*.

3. Women's work is made to seem unskilled by *DOT's* definition of "specific vocational preparation" which does not include the unpaid work of homemakers and mothers among its various skill-developing experiences. Therefore, salaried derivatives of homemaking and mothering frequently appear to be unskilled.

In a busines or industry which uses an occupational analysis system (job evaluation) to determine rates of pay, there may be certain "danger signals," says Dr. George Hagglund, Professor of Labor Education, University of Wisconsin Extension.[1]

Here are some of the situations which he says may mean that an employer is manipulating the evaluation system to pay women less money than men:

- Separate job evaluation plans for males and females.
- Job descriptions which have been rewritten since 1964, even though significant changes in the jobs did not occur.
- New jobs which are very similar to old "male job" classifications but are paid at lower wage levels.
- Collectively bargained settlements which have the effect of discriminating against women. It might be discriminatory, for instance, to sign an agreement providing for an 8-cent hourly increase for "b" labor grades containing mostly women and 11 cents an hour to "a" grades containing mostly men.
- Where incentive or production bonus plans exist, special treatment is not extended to both sexes.
- Management takes action which masks sex discrimination through token integration. One or two males, for example, may be assigned to jobs which have historically been occupied by females.

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[1] Adapted from "Sex Discrimination: Job Evaluation and Wage Practices Which May Disadvantage Women," Dr. George Hagglund, School for Workers, University of Wisconsin—Extension.

The IWY Commission recognizes that research needs to be done on the concept of equal pay for work of equal value and on determining what jobs are, in effect, "equal." The Commission calls upon the Department of Labor to implement the recommendations from the study *Women's Work—Up From .878* and on the Equal Employment Opportunity Commission to develop guidelines for assessing job evaluation systems for the purpose of eliminating inherent sexism.

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[8] Copies of the study may be obtained from Women's Education Resources, University of Wisconsin Extension, 610 Langdon St., Madison, Wis. 53706.

[9] A paraprofessional assistant to Family Caseworker.

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Double Burdens

The President's 1975 executive order, which created the IWY Commission, asks Americans "to deal with those inequities that still linger as barriers to the full participation of women in our nation's life."

However, progress toward "full participation" is a slow struggle for particular groups of economically and socially disadvantaged women in our population—the elderly, ethnic/racial minorities, women serving sentences for criminal offenses, and women with serious physical and mental health problems.

In this group we find the grandmother on social security who is afraid to leave her apartment after 4 p.m. to buy groceries; the Mexican immigrant who does not speak English well enough to find a job paying better than housecleaning; the black college graduate who is selling doughnuts in a coffee shop while potential white-collar employers claim they cannot find qualified minority women; the female offender whose job had been scouring bedpans in the infirmary, and who, after release, cannot find decent paying work to support her kids, so she shoplifts a portable radio and is sent back to jail.

The Commission's Committee on Special Problems of Women has developed recommendations to ease the plight of women facing these multiple disadvantages.

"Double and triple jeopardy" are the phrases that rang through testimony presented to the Special Problems Committee on December 29, 1975, as representatives from a cross section of racial/ethnic groups—among them blacks, Hispanics, Asian-Americans, Native Americans—illustrated poignantly that the minority woman suffers discrimination because of her sex, because of her race, and/or ethnic background. Her accent or lack of proficiency in business English are serious handicaps in the eyes of employers, even in the low-paying "women's occupations."

The unemployment rates for minority women are double those of white men.

And the minority woman also suffers a great disadvantage in pay. Minority-race women earn only 49.6 percent of the pay of white men. (Minority-race men earn 71.9 percent of what white men earn, and white women earn 56.3

Loneliness, poverty, and fear often fill the life of an older woman.

Photo courtesy of Marcia Kay Keegan.

percent of the white male pay figure.)[10] These figures reflect the large numbers of minority women employed in "unskilled labor."

The pervasiveness of these problems for minority women and the special burdens faced by older women and those with various health problems have moved the Commission to press for administrative action on a number of fronts.

To promote a better quality of life for all older women, the Commission has approved recommendations that call for continuing education opportunities, suitable housing, visiting housekeeper programs, legal and tax aid, transportation services, and assistance to relieve the cost of drugs, hearing aids, eyeglasses, and dental care. The Commission also supports prescription policies that allow substitution of less expensive quality generic drugs for brand-name medicines.

The Commission sees an increasing demand for State and local funding to support more organizations like Los Viejos Utiles, the Association for the Useful Aged, Inc., in Miami, Florida. The files of the association show that 2,500 of the 4,000 active members are women, most of them widows providing volunteer services to the community: Alicia Sole, an 85-year-old Cuban woman, volunteers to hold a baby for 2 to 3 hours when parents cannot afford a sitter but need health services; Eusebia Masot, 69, accompanies the sick elderly to doctors, gives them baths, buys their groceries, makes phone calls, and reads books aloud; Mercedes Valdes, 71, visits the elderly who live alone, reports their special needs; Eulalia Dias, 69, makes visits to take blood pressures, escorts the elderly to movie matinees or to the city aquarium.

Women Offenders

The problems of women offenders reflect a deep-seated form of discrimination, particularly where sentences are longer for females than for males committing the same crime. In the traditional judge's view, females are thought to be more responsive to correction, which might, however, require longer confinement.

> "When I'm introduced to an audience as 'young lady,' no matter where I am, I say, 'Look at me. I'm not young. Why do I have to be referred to as young to be flattered?' Old is as good as young is."
>
> Lydia Bragger
> National Board
> Gray Panthers

Unlike their male counterparts, 70 to 80 percent of women in penal institutions are responsible for children, circumstances which State officials seldom consider in correction programs. Not only are most female prisons located in rural isolated areas, making visits between mother and child extremely difficult, but work programs rarely teach skills that pay a woman, after release, enough to support her family. Much training emphasizes scrubbing, cleaning, sewing, and fields such as cosmetology.

Such problems suggest the need for review of sentencing practices, as well as realistic educational and vocational training for rehabilitation. The Commission asks that these areas be closely examined by State Bar Associations and State task forces on the status of women.

The gloomy employment picture for female ex-offenders is brighter for probationers placed in apprenticeship openings by Wider Opportunities for Women (WOW), a nonprofit job-finding agency in Washington, D.C.[11]

Sheila G., age 37 and the sole support for three teenage daughters, had no income when she was sentenced to 2 years for "false pretenses," a felony. She had been caught using a credit card not her own.

Sheila was enrolled in a 6-month basic electronics training program, finished at the top of her class, and now makes $180 a week as a technical representative for Xerox Corporation, where she can earn $16,000 a year. When first on probation, Sheila and her three daughters lived with Sheila's mother. Now Sheila is about to get her own apartment for her family. She will soon be driving a company car and is making plans to go back to school.

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[10] Women's Bureau, Department of Labor, *Handbook of Women Workers, 1975*, p. 136, U.S. Government Printing Office, Wash., D.C. Comparable data are not available for Hispanic, Asian-American, and American Indian women. See Commission recommendation in Part V on collection of data.

[11] Wider Opportunities for Women (WOW), telephone interview, Mar. 1976.

Another success story: Pamela J., age 23, mother of a 3-year-old, had no income when arrested for assault, but she had worked previously in the housekeeping department of a nursing home for $2.10 an hour and as a waitress.

During probation, Pamela was enrolled in pre-apprenticeship training as a welder. She now fills nonunion welding jobs at $5 an hour and is about to see her persistent campaign to enter the union pay off. As a union member she will soon earn between $9 and $11 an hour.

Effective rehabilitation for the female offender is also dependent on a corrections staff that is sensitive not only to women's job training needs, but also to women's concerns for their children and to the necessity for providing prompt and dignified health services. The Commission supports the concept of community-based residential and nonresidential women's programs, such as halfway houses, work release, training release, and education release. Such programs combine practical education experiences, rehabilitation, and family contact.

The Young Minority Woman

Compared with a national average of 8.3 percent, young minority women's unemployment rates in December 1975 were a dismaying 37.9 percent for ages 16–19, and 19.6 percent for ages 20–24. The Commission recommends expansion of three Federal programs, which specifically alleviate this situation but have only limited reach:

1. The *Youth Conservation Corps (YCC)*, a training-work program in conservation and the environment, is presently a summer activity for jobless youths ages 15–18. The Commission supports expansion of the YCC to a year-round program for young persons up to age 24; and it asks for special efforts to attract and recruit young minority women to the program.

2. *Minority Women's Employment Program (MWEP)*, sponsored by the Labor Department in seven major cities, is easing the job search frustration for college-educated young women unable to find decent white-collar jobs at the professional level. MWEP staff members seek out minority women and help them pass screening procedures required for well-paying jobs. At the same time, employers are canvassed for information about job vacancies, pay scales, education and work experience requirements, opportunities for advancement, types of aptitude tests or interviews, and the traits they seek in job applicants, such as sales ability and patience to work with details. MWEP services are offered free to employers and to job applicants who get counseling on interview, test-taking, and resumé-writing techniques.

Velma Cruz Bailey, a 25-year-old Mexican-American with a B.S. degree in technology from the University of Houston, spent 5 unemployed months making the rounds and "getting the run-around" at local job agencies. "They'd send me out to rathole places, try to get me to accept the lowest paying positions, and say, 'Oh, you're a Mexican and a woman, so you'd better take this.' "

Velma had previouly worked 2 hours a day as a drafting teacher at Mt. Carmel High School in Houston. "I was at a real standstill in that job, and making $3,000 a year at the very most."

Now Velma earns between $10,000 and $11,000 a year as a Gulf Oil Company drafting technician. She plots maps and graphics, produces pictures and illustrations, even some architectural work. The pay started at $850 a month and has gone up since Velma's 6-month probation period ended in March 1976. "The boss says I'm here for keeps. I wouldn't give up this job for anything." Velma was amazed that MWEP responded so fast:

> "In one week they'd sent out my resume to 100 different companies, and I got the first interested reply. MWEP made me feel like I was really important. They changed my whole life."[12]

3. The commission is also asking for expansion of *Part J of the Vocational Education Act of 1968*, which provides job skill training for limited or non-English-speaking enrollees.

Lily Lee Chen, director for special projects and resource development of the County of Los Angeles, Department of Public Social Services, told members of the Commission,

> "The most important bread and butter issue of the new immigrant is bilingual education, and one of the major problems of English as a Second Language program (ESL) is the lack of job-skill oriented classes."

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[12] Telephone interview, Mar. 1976.

She described the large percentage of immigrant Chinese-American women working in Chinatown sewing factories where they do not have to speak English, and where they are severely underpaid for work under very poor conditions.

> "Many Chinese-American women are denied promotion opportunities on the basis of our accents or unacceptable English. If you speak with French or British accents, you are charming. When you speak with Asian or Chinese accents, you are handicapped."

The Commission is urging State departments of education to establish requirements aimed at assuring that bilingual-vocational needs of women are given increased attention in local school districts. A mother's lack of language and job skills affects not only her own opportunities, but also her children's future.

Focus on Health

Concern with women's health issues cuts across all ages, ethnic and racial minority groups. Unfortunately, the Commission did not have the resources to establish a separate committee on health, but has included in its recommendations to the President a request for further study by a new advisory committee at the Department of Health, Education, and Welfare.

The advisory committee should be composed of eminent health professionals with a demonstrated interest in women's health issues. Its continuing responsibility would be to review research, training, and service programs as they relate to women's physical and mental health. Appropriate topics for study include:

- The appropriateness of treatment for

Migrant workers face myriad barriers to better jobs, one of which is the handicap of not speaking English.

women's mental health problems, particularly alcohol, drug abuse, and depression;

- Health status and longevity of employed women in comparison to housewives and men;
- Criteria for selection of persons receiving organ transplants or hemodialysis;
- Research projects on cancer and women;
- Inservice training to keep health-care programs relevant to the changing roles and needs of women; and
- The relationship of economic stress to women's mental health.

Of course, a woman's knowledge and access to information about her own body are crucial to physical and mental health. The "Reproductive Freedom and Reponsible Choice" section, also in Part II, makes special recommendations affecting the health and quality of life for women of all ages, and for American families as well.

Indian Problems—An Interview With Dr. Annie D. Wauneka

The Native American people in the United States number approximately 1 million, about half of whom reside on 210 federally recognized tribal reservations, in 220 Alaskan villages, and in Oklahoma. The Indian nations and the Federal Government are bound by a special legal trust relationship, which is the result of self-determination for Indian tribes and communi-written treaties and through formal and informal agreements. Tribal sovereignty, questions of Federal versus State jurisdiction, economic development and social services, relationships between tribal and urban Indians, relationships between Anglo and Indian communities—these are issues which are paramount to Native Americans and which cause them uncertainty and uneasiness about their present and future role in America.

The Federal Government in 1970 espoused a policy of self-determination for Indian tribes band communities without termination of the Federal trust responsibility. But the Indian people are justifiably skeptical. Theft of their lands, broken agreements, forced assimilation, and program failures have characterized the government's history in this area. And yet, despite incredible adversity and denial of control over their own destiny, the spirit of the Indian people has endured and their contribution to this country has been priceless—in art and culture, in respect for the land, in fundamental beliefs, in a sense of history and purpose. Dr. Annie Dodge Wauneka, a member of the Navajo Tribal Council, speaks in the following interview about her people.

Annie Dodge Wauneka, whose father was the last chief of the Navajo Nation and who is the only woman on the Navajo Tribal Council, is a member of the National Commission for International Women's Year.

Serving as a commissioner has been a frustrating experience for Dr. Wauneka. As she said in a letter to the White House,[13] ". . . We cannot see how the problems of Indian women can be dealt with outside of making a special provision within . . . [the IWY Commission] to deal with the Indian problems . . ."

> "Indian problems are so grossly different from the national picture that we cannot talk on the same level. When you talk of water for sports activities we are thinking of water needed for drinking and washing dishes.

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[13] Dr. Wauneka was joined in this letter by Nancy Evans, President, Navajo Indian Women's Association, Dec. 29, 1975.

Dr. Annie Dodge Wauneka speaks on problems of Native Americans.

> When you talk of arts and crafts for leisure times we are thinking of producing enough handcrafts to sell so that we can buy shoes and food.
>
> "Until this reality and fact are recognized and accepted we cannot deal with Indian issues . . . Provision must also include that all Indian tribes which want to be heard be included . . ."

Dr. Wauneka is an outstanding example of woman-helping-woman and a great spokesperson for all Navajos, not just women. She has served as an elected delegate and member of the Tribal Council for 25 years.

She became interested in helping the Navajos because of her father. "He was a great leader. He was always talking about problems," Dr. Wauneka said in an interview[14] with an IWY staffer. "He always said Navajos need to be helped."

One of nine children, Dr. Wauneka was the only member of her family to follow in her father's footsteps, though one of her brothers is a lawyer in Scottsdale, Arizona. Now she has eight children of her own, all grown, and eight grandchildren.

As a young woman she was a sheepherder. "I still am. That's the custom of the Navajos . . . My husband takes care of our herd."

Dr. Wauneka did not want to talk about herself. "Navajos don't like to talk about their personal life. This is the truth," she told the interviewer. But she was willing to talk about Navajo problems. Following are excerpts from the conversation:

Q. Do you feel the programs developed for the Indians by the Federal Government are adequate?

A. No, I don't know where there's an adequate program anywhere. Only in foreign countries there's adequate programs. Congress appropriates billions of dollars for foreign aid. [They] send it overseas and still they have enemies.

Q. Are the Navajos rich?

A. They're rich in the name, not as individuals, just as the Navajo Tribe . . . We have mineral, oil, coal, and uranium. But when you come down to individual Navajos, they're not. They're very poor. There are 140,000 Navajos. If those [our] funds were to be divided I think they'd get about $8 apiece. With the money we have we are running our tribal government.

Q. What do you feel are the greatest problems of the Navajos?

A. I would say economic. I would say that because they used to own lots of sheep years ago before the last reduction was was enforced in 1930 . . . The reduction was enforced on them [and it caused an economic decline]. They were told they overgrazed their reservation, which I'm quite sure was so . . . Since then the individual economy has come down, and the children have increased . . .

Now the last trend is changing. There's about 55,000 or 60,000 students in schools, on and off the reservation . . . So now it's an economic problem plus education. Both sexes are not educated to the point where they can properly communicate with the outside world.

So one of the problems that the Indian women have stressed is they need more training . . . Women want to work. They did have a nice industry in a place called Farmington, N. Mex., by this Fairchild Company which is an electronic company. Over a thousand women worked there . . . now this place is shut down. Now they're [the Indians] demanding there should be more openings so the women could work, especially young women with that experience.

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[14] Interview taped in Philadelphia, Pa., Oct. 23, 1975.

. . . But industry coming to the reservation is very, very slow because we have our own sovereignty. The Tribal Councils are the ones that lease the land . . . and that means whoever wants to come in has to negotiate with the tribe . . .

. . . The tribe has its own business. We have a lumber mill which employs between 400 and 500. Of course those jobs are for men. We have our own utility company. And then we have our own irrigation projects way up in the north of Arizona.

At the irrigation project they hope to pick up about 3,000 Navajos when it's all developed. They're supposed to be farmers and that's not a program [skill] we have.

. . . The Bureau of Indian Affairs would like to turn over all of the activities to the tribes whether they want it or not . . . but there are very few [Indians] that are well educated and have become professionals and para-professionals . . . Congress has passed a bill called the Self-Determination Bill, which authorizes the Indian tribes to contract the government programs within their reservation . . . We could do it if we had the professional people, but we don't, so I think the whole law will be just sitting there . . .

Q. That sounds as though there is an opportunity for young people . . .

A. The Navajo Tribe has a scholarship program for $8 million in travel funds. And that's what the Navajo children are going to school on in colleges and universities . . . we've got quite a number. Of course there's a lot of dropouts, because they don't know the country, they don't know the city, they don't know the lifestyle of the city and they get lonesome, and financially their folks are not supporting them. They come home, and very few are getting a professional education for every field you want.

We don't have anybody who's trained as an economist or who will study the economy of the Navajo Tribe. We don't even have sufficient trained doctors. We have only one so far.

We have some Navajo nurses but not as many as we'd like to. So we're still on the bottom, so to speak. It will take a long, long time.

Q. To motivate the people?

A. The Navajo parents themselves don't motivate their younger generation to keep on going to school. Once the child writes a letter back and says, "I'm lonesome, I want money, I want this," the parent says, "come home," so they come home. I think that's one of the basic problems we have.

So that's the reason why I say the middle-aged adult needs to have some kind of training . . .

Q. Are there problems of nutrition?

A. Oh yes, problems of nutrition, health problems. The more we develop, the more problems we create for ourselves . . . The infant mortality is great and the life expectancy of a Navajo is between 63 and 65 years.

Q. What is the average family income?

A. It is reported between $300 and $500 and there's about 67 percent unemployment.

Q. You mean less than a third of the people are employed? That must mean a lot of people sit around doing nothing?

A. Yes, both the man and wife sit around.

Q. Is alcohol a problem?

A. It's the number-one killer on the Navajo reservation. I really don't know how to handle the alcoholism [problem]. I really don't . . . Some groups are trying to help with Federal funds. They make contracts for these funds, and they get less than what they ask for, and it is a problem.

Q. So when jobs do come along, these men and women can't be employed because they have destroyed themselves with alcohol?

A. Yes, that's right. And they're such nice young-looking people, and you give them a job, the tribe gives them a job and first payment they're gone. They don't come back for work.

At this point in the interview Sally Lester, an Indian woman who is a community health representative on the Navajo Reservation and who accompanied Dr. Wauneka to Philadelphia, spoke up to say, "Sometimes the woman drinks more than the man does. It's mostly among the young ones, too."

Dr. Wauneka then explained the health program which the Navajos have with the U.S. Public Health Service: "I've been on the health committee for the last 25, or maybe 23 years

. . . The health problems were so great, but somebody has to get out there and teach them what is better health . . . So myself and several other people, we've worked on this many, many years and finally appropriation was made by the Congress to create health representatives . . . and we have 138 health representatives throughout the reservation . . .

"We have chapter organizations, which are like a city council. They come together, and they have their local leaders; they call them chapter officers. And they have a monthly meeting and they report back to their chapter and they [the health representatives] do a lot of home visits and look at the problems . . . Their living conditions, nutrition and every aspect of life is what they deal with in their monthly report . . . and this program is very popular . . . They're very effective on the local level."

Q. What would be the next problem?

A. Home environments, poor housing . . . Quite a bit of malnutrition . . . We have infant mortality which is high, especially from diarrhea, and with all this alcoholism problem, the children are not cared for like they're supposed to be . . . and the suicide is really increasing . . . on all age levels, and I ask why is it increasing? Automobile accidents is another one that is getting to be a major problem.

Q. Is liquor sold on the reservation?

A. Bootleg. There's a lot of bootleggers. Our problem is enforcement. And of course tribal government tries to introduce a resolution legalizing liquor on the reservation, but the majority of the tribal councils don't want it legalized. So it is a problem. Even if we legalize it, I think we'll have more problems. I don't know; I'm just in between.

Q. Dr. Wauneka, if you leave the Tribal Council and don't run again, as you say you are planning to do (her term is up in 1978) will there be another woman to replace you?

A. I don't know. That rests with the communities. I'm afraid not because there's nobody that's active at the local level. There are some possibilities, but they're working for the Federal Government (where the pay is better).

So those are some of our problems. Are you happy with what I've said?

Reproductive Freedom And Responsible Choice

At age 19, Paula Gibson, who attends Gonzaga University in Spokane, Washington, is the youngest member of the IWY Commission. On January 16, 1976, she shared with the Commission her views on the inadequacies of public school sex education in the 1960's and early 1970's.

> "My education in responsible sexuality started out with my mother assuming that I would ask her or my father any questions about sex I might have. I was a shy youngster and didn't even know what questions to ask! And so I went to school and learned from my peers—a common but not often accurate source.
>
> "In 5th grade physical education, I saw a film on menstruation and asked if this sort of thing also happened to boys. My teacher quickly told me to ask my father and changed the subject.
>
> "In the 7th grade, part of my science course consisted of human reproduction, and my teacher always prefaced his statements with, 'You must remember, this is not smutty.' We, of course, concluded that human sexuality was smutty and not a natural part of human life.
>
> "My earlier 'education' was repeated during high school, when the sum total of my sexuality instruction consisted of one film on venereal disease, to be followed a year later by a human plumbing film, and the breeding of fruit flies in a biology class."

"All this was a farce," Paula said later, in a telephone interview. "The one important thing that was never covered at all was that sexuality goes beyond plumbing, that it means more than just sex. My teachers never seemed to get beyond that point. And yet, I have the feeling that I received an awful lot more than many young people do."

Evidence that 30 percent of teenage girls 15 to 19 are sexually active cannot be wished away.[15]

The National Center for Health Statistics reports that premarital sexual activity is beginning at increasingly younger ages.

- Venereal disease is epidemic among the young.

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[15] J. F. Kantner and M. Zelnik, "Contraception and Pregnancy: Experience of Young Unmarried Women in the United States," *Family Planning Perspectives*, May 21, 1973.

- The number of births to teenage girls under 15 is rising; 7,768 births in 1965; 12,861 in 1975.
- An estimated one-third of the reported 300,000 legal abortions a year are performed on women under 20.[16]
- Increasing numbers of young people no longer believe the traditional family of two parents and children is the only acceptable model.

The implications of all of these trends for the future quality of American family life, and for the well-being of young children, are far-reaching.

But whatever the variety in contemporary family structures today and tomorrow, the Commission sees education for responsible sexuality and for family planning services as essential reinforcements for healthy relationships. Most importantly, the benefits multiply when children can be lovingly nurtured by emotionally secure and responsible adults.

Early and sometimes accidental childbearing, on the other hand, creates serious social and economic disadvantages for the mother and child, especially when conception is out of wedlock. An unplanned marriage and an uplanned baby can have tragic consequences on all involved, and when the parents are children, the problem often seems endless.

The Draper World Population Fund Report says most sexually experienced teenagers who have not used contraceptive devices have a confused idea about the risks of pregnancy. Nearly 40 percent of them believed pregnancy could not occur because they were too young or because they had infrequent intercourse.[17]

Others do not know where to go for contraceptives, think them too expensive, or do not know there is any way to protect themselves against pregnancy.

Ms. Deena Mersky of Austin Planned Parenthood, Austin, Texas, visits area schools on invitation to present short programs and answer student questions. The misinformation she encounters is varied and vast: "I had barely come in the door of this rural high school outside Austin last week, when the teacher called me aside and whispered in my ear, 'Please tell our students that Saran Wrap is not adequate contraception!' "[18]

The Commission is also concerned about the pervasive and seductive influence of movies, television, magazines, and rock music lyrics on young people in the years when they are formulating their ideas on sex.

In the Commission's view this ignorance and misinformation about the risks of conception as well as failure to understand the consequences of sexual behavior are compelling reasons for sex education at school in elementary and secondary school programs. Nonetheless, the Commission cautions that school programs must not take precedence over the role of the parent in the home. "Family life and responsible sexuality programs should lead not only to the acquisition of knowledge, but should also contribute to wholesome attitudes, develop positive sexual growth and behavior, and encourage a forthright view of one's own sexuality," the Commission says.[19]

Such instruction, moreover, should be given where possible in the regular curricula rather than as a separate course, and with a bilingual approach where a substantial proportion of the students are of Spanish or other ethnic origin.

Lack of information for responsible sexual actions and responsible family life is only one aspect of family planning needs. Lack of family planning assistance for low-fertility couples who want to conceive and for couples who want to space their children is an equally important aspect.

Nearly 40 percent of low and moderate income women, some 3$^1/_2$ million across the country, are still without access to any kind of family planning services at all.[20]

The Commission asks State health and welfare agencies to remove barriers to full use of family

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[16] National Center for Health Statistics of the United States—Natality, 1965 through 1973.

[17] Draper World Population Fund Report, No. 1, Autumn 1975 "Sex and Reproduction among U.S. Teenage Women," by J. F. Kantner and Melvin Zelnik, professors, Department of Population Dynamics, Johns Hopkins University.

[18] Telephone interview, Mar. 1976.

[19] See Part V, Reproductive Freedom Committee recommendation concerning family life and reponsible sexuality instruction in elementary and secondary schools.

[20] Report no. 94–192 by the House Committee on Interstate and Foreign Commerce, accompanying the Health Revenue Sharing and Health Services Act of 1975, now Public Law 63.

"... our goal is to increase freedom of choice. ... We oppose any effort—explicitly or implicitly—to penalize childbearing and parenthood. We reject the notion that either motherhood or childlessness is or should be made to seem unfashionable. Instead, we seek a greater range of choice. Women should be able to choose motherhood, work, or other interests. Both men and women should be free to develop as individuals rather than being molded to fit some sexual stereotype."

From *Population and the American Future,* p. 152

planning services by low and moderate income women, and the President is asked to direct HEW's Social and Rehabilitation Service to issue regulations "providing the States all possible encouragement and assistance" toward this goal. The requirement that income be documented is a barrier, particularly for minors, and the Commission asks for elimination or modification.

Wider access to family planning is also obstructed by the low level of support for Federal grants and research in reproduction. For 1976, funding for family planning project grants is only one-fourth that recommended by the Commission on Population Growth and the American Future.[21] Proposed cutbacks to 1972 budget levels may mean a 25 percent reduction in funding.[22]

The IWY Commission recommends that Congress and the Administration reaffirm support for the Nation's family planning programs and immediately provide the full amount of resources needed.

Birth control practices have been revolutionized by the pill and the IUD (intrauterine device), the two methods most acceptable for use by an estimated 13 to 14 million American women. But these techniques sometimes have serious side effects. Also, neither method is fail safe.[23]

The death rate among women who use IUD's is 9 per million and 31 per million for women who use the pill. The death rate is 1,000 per million for tubal ligation (sterilization) and 300 per million for laparoscopic tubals, sometimes called band-aid surgery.[24] And the need continues for research on male contraceptives.

To intensify and coordinate fertility research, the Commission recommends that the Center for Population Research be elevated to "Institute" status and that research in all related areas of heredity; human genetic dieases; and maternal, fetal, infant, and child health be organized and restructured under the National Institutes of Health.

Until family planning methods and services are perfected, made universally available and totally safe, there will be women who suffer unwanted or accidental pregnancies. For these women and their families, pregnancies are often psychologically, financially, or physically damaging.

Take the case of Marilyn Walker, a Missouri mother of five children, all under age 10. When she learned a sixth child was on the way, she was despondent, could not sleep, and felt desperate.

> "I was just a shell walking around, not like a person at all. The babies cried at night, I rocked them and fed them, and when they were quiet, I'd lie down with my eyes wide open until morning, wishing I'd die real sudden so there wouldn't be any more big bills. But then, who would take care of the kids? That thought always stopped me cold."

"Jim has been out of a job for 5 months," she told the clinic worker.

> "Our rent is going up. Our four oldest kids have worn through their shoes, and the teacher says our twins must have glasses. My teeth ache and the gums throb, but there's no

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[21] Report of the Commission on Population Growth and the American Future, "Family Planning Services," Mar. 1972.

[22] The Alan Guttmacher Institute, "Associates Letter," Feb. 1975, p. 2.

[23] Elizabeth B. Connell, "The Pill Revisited" (vol 7, no. 2), *Family Planning Perspective,* Mar.-Apr. 1975; Daniel R. Minshell, Jr., "Assessing the Intrauterine Device" (vol. 7, no. 3), May-June 1975.

[24] Public Citizens' Health Research Group, "Surgical Sterilization: Present Abuses and Proper Regulation," Oct. 29, 1973, p. 12, 2000 P St. NW., Wash., D.C.

> money for the dentist or for any of these things.
>
> "Jim has been knocking on doors every day, but he can't find anything. He is so depressed. He comes home muttering that we could do better on welfare if something happened to him, or if he just ran away. He flies off the handle with me and the kids so much I really worry about how we are going to last as a family. And now this, another baby!"

Marilyn remembers setting out peanut butter and bread for her children, borrowing a car, and driving to the women's health clinic to keep her appointment for an abortion. It was her 28th birthday.

> "I never thought I'd have an abortion. It was always something for other women to face. It was hard, but I finally decided this was better than putting more pressure on Jim and the kids. We're no better off than before, but at least our marriage and the kids are no worse off. You can't know how relieved I feel—it's like we have another chance."

Marilyn's safe, therapeutic clinic abortion cost $120. She borrowed the money from a friend. "My friend's sister had to pay $875 for an illegal abortion when she was 17, and then she almost bled to death. Lots of other mothers have died on the table like that—what if abortions were still against the law?"

Marilyn Walker's name and residence have been altered here, but clinic workers say there are thousands of women like her.[25]

The Commission, with the exception of three members,[26] supports the landmark Supreme Court decisions making abortion safe and legal.[27] Too often, an alternative to legal, medically supervised abortion is a return to the dangerous, sometimes fatal procedures, often self-induced, or performed under medically unsafe and unsanitary conditions.

While recognizing that abortion is not an acceptable method of family planning, the Commission opposes any proposed constitutional amendment denying or limiting the option of legal abortion services. The report of the U.S. Commission on Civil Rights, "Constitutional Aspects to the Right to Limit Childbearing," very persuasively argues that adoption of the proposed constitutional amendments would undermine the first, ninth, and fourteenth amendments to the Constitution.[28]

The Commission further urges Federal, State, and local governments to give the highest priority to implementing these Supreme Court decisions.

Unfortunately, the response of existing health organizations to the legalization of abortion has been limited. The accessibility of abortion services in this country remains very uneven. (See map accompanying full recommendation on this subject in Part V.)

The two letters below indicate what the current scatter of services means to individual families.

> "I know the law says I am able to receive such services, but in reality I can't because I live in a small town where the only hospital for miles is private and they won't perform this procedure. Some women can afford to travel to other cities, but I can't . . . The law says I have a right to this procedure, but where can I go?"[29]

and

> "Can you please help us? We have an 18-year-old daughter who is 7 weeks pregnant . . . She is 4 months from graduating from high school . . . She is also accepted at a college and wants to go very bad. Now that abortion is legal in Wisconsin we thought we could get a doctor to do it. Everyone we talked to refused . . . We have to have some help soon, and make some definite plans for her, or she might look for help by herself, and I'm afraid of what would happen. She is our only child, and we don't want anything to happen to her. Please try and help us . . ."[30]

In 1974, the year after the Supreme Court's decision overturning restrictive State abortion laws, at least 400,000 and perhaps as many as 900,000 U.S. women who needed an abortion were unable to obtain one.[31]

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[25] Interviews with women's health clinic workers, greater Wash., D.C. area, Mar. 1976.

[26] Congresswoman Margaret Heckler and Rita Johnston voted "no" on recommendations concerning abortion. Gilda Gjurich abstained. Minority opinions follow the recommendations listed in Part V.

[27] See *Roe* v. *Wade*, 410 U.S. 113 (1973); *Doe* v. *Bolton*, 410 U.S. 179 (1973).

[28] Copies available through the United States Commission on Civil Rights, Wash., D.C. 20524.

[29] From "We Speak for Those Women Who Dare Not Speak," National Abortion Rights Action League, Southern California affiliate, Constitutional Defense Project, Jan. 22, 1976.

[30] From parents writing to ZPG Referral Service in Madison, Wis.

[31] Alan Guttmacher Institute, research and development branch of Planned Parenthood Federation of America, Oct. 1975; authors: Christopher Tietze, M.D.; Frederick S. Jaffe, Edward Weinstock, Joy G. Dryfoos.

The history of this country's gradual commitment to reproductive choice for women dates from the turn of the century. Thanks to medical achievements, dangers resulting from early abortion have continued to decrease, and today, therapeutic abortions performed in the first 12 weeks of pregnancy are less than one-eighth as hazardous to women as childbirth.

Throughout the 20th century, a variety of restrictive abortion laws existed in States across the Nation. In 1962 public attention was dramatically focused on the plight of Sherri Finkbine, when she was denied permission for an abortion in an Arizona hospital. Mrs. Finkbine had taken thalidomide early in pregnancy and feared what the drug's effect might be on the fetus. The hospital refused to operate, so Mrs. Finkbine traveled to Sweden for her abortion. Doctors announced that the fetus had indeed been deformed.

The Finkbine case forced Americans to ponder the need for law reforms. A rubella measles epidemic in 1964 panicked great numbers of expectant parents who had become newly aware of the crippling effect of that disease on a fetus. Those women who could afford it bought legal abortions here or abroad. But in States with very strict laws, many others had illegal abortions or clung to the slim hope that their infants would be born healthy.

The women's rights reform movement in the 1960's dramatized the need for a woman's right to privacy in choices affecting her family. Concern about population growth and a new public openness about human sexuality made it easier to discuss abortion. By 1973, 13 States had revised their laws to permit abortion for a variety of reasons and 4 States had made abortion available upon request of the woman and her physician.

Then, on January 22, 1973, the U.S. Supreme Court declared unconstitutional the restrictive Texas and Georgia statutes concerning abortions. The court ruled that States may not prohibit a woman's right to an abortion in the first 3 months of pregnancy. Thereafter a State may regulate abortion in ways that are reasonably related to the mother's health.

Popular sentiment in favor of the Supreme Court ruling is staunch and growing. An April 1975 Gallup Poll found three out of four Americans felt abortion should be legal in some circumstances. A national telephone survey conducted by the *New York Times* and CBS News in February 1976 showed that 67 percent agreed that "the right of a woman to have an abortion should be left entirely up to the woman and her doctor."[32] A March 1976 *National Observer* plebiscite vote (in which those feeling strong enough about the issues mailed in their ballots) found 71.4 percent asking to let the Supreme Court decision legalizing abortion stand. Knight Ridder newspapers asked a similar question in a telephone survey in January 1976 and found 81 percent agreement.

Public acceptance of women's right to choose is at last a clear majority opinion.

Another problem of special concern to the Commission is the continuing violation of fundamental human and civil rights through forced sterilization. The 1974 guidelines of the Department of Health, Education, and Welfare (HEW) against such practices are not effectively enforced. Those regulations specifically ban sterilizations on women under 21; they prohibit operations on women less than 72 hours after they have signed consent forms; and they require a careful counseling procedure so that patients understand that the operation is permanent and that there are other birth control choices.

By spring of 1976, HEW had taken no action to enforce the regulations other than distributing guidelines to hospitals and medical centers.[33] Both the American Civil Liberties Union and the Public Citizen's Health Research Group studies indicate that the regulations are being widely ignored, if not deliberately evaded.[34]

The IWY Commission joins the voices urging strict compliance of HEW guidelines by all doctors, medical and family planning facilities, and it recommends that HEW take maximum action against all violators.

The Commission recommends further that State codes must not require consent of a spouse for sterilization. Unless a married or separated woman falsifies her records to claim she is actually divorced, she may have to endure a time-consuming search or confrontation with a hostile partner. Legal precedents clearly specify that decisions concerning reproductive matters are to be determined by the individual in consultation with physicians and others with whom she/he chooses to consult.

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[32] Planned Parenthood—World Population, *Washington Memo,* Mar. 19, 1976, p.2.

[33] Claudia Dreifus, "Sterilizing the Poor," *The Progressive,* Dec. 1975; pp. 13–19.

[34] *Sterilization Without Consent,* Report by Public Citizen's Health Research Group, Jan. 1975. *Hospital Survey on Sterilization Policies,* Reproductive Freedom Project, ACLU, Mar. 1975.

The Commission also urges in regard to all its recommendations that, in cases where the patient does not speak English, appropriate staff must be found to explain the sterilization procedures and HEW regulations in the primary language of the patient.

Parents and Children: Enriching the Future

Mary Beth McNamee, 29, Memphis, Tennessee, knows at first hand the problems of single women who must work and support their children alone.

> "You get so envious of those mothers who can stay at home; the men you work with have no idea what you go through. They should have to take a crash course in juggling child care every day—I used to have to leave the office at 11 in the morning, pick up my son at kindergarten, slap sandwiches together for us, drive miles to the child care center and then back to the office, all in one hour. We seemed to spend the whole year hurrying."

Mrs. McNamee has remarried and left her secretarial job, but she still sees child care centers as a vital need for mothers who work, and a way for children to expand their experiences with other children and with grownups.

"I felt safe and secure leaving Jason there and knowing he was with children his own age," she recalls. "There were several adults in charge, and things were happening to keep his imagination going. I really think he might have gotten into more trouble at home with just one sitter to watch him. I'd worry about that one sitter falling asleep."[35]

Combining responsibilities for children with the demands of a job outside home is the current complicated pattern of life for up to 13.6 million working mothers in America. Forty-five percent of all women with children 18 years old or younger are in the labor force. More than 5 million of these mothers have children under 6 years old.

In March 1974, children of working mothers numbered 26.8 million, and 6.1 million of those children were under the age of 5. Among these children, 4.6 million had mothers who were single, separated, divorced, or widowed heads of families.[36]

Laura Staudt of McLean, Virginia, finds herself in the head-of-family category. Separated from her husband, she works as an American Bar Association administrative assistant to support herself and her 4-year-old son. She earns approximately $800 a month before taxes and pays $145 a month—"an average price in northern Virginia"—for 5-day, 8 a.m. to 6 p.m. care at a center a mile and a half from her apartment.

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[35] From telephone interview, Mar. 1976.

[36] *1975 Handbook on Women Workers*, U.S. Department of Labor, Women's Bureau, 1975, Bulletin 297, p. 4.

She's convinced the quality care Mark receives is worth the price. "I wanted a conveniently located child care center which offered both learning and play. I had been used to military base centers which offered only cursory attention and custodial care."

At his current center, "Mark has progressed tremendously; he knows the alphabet. The center has different interest areas such as cooking and art. I was most impressed to find a male aide on the staff."

Mrs. Staudt is grateful to the center for helping Mark adjust to his parents' recent separation. "The teachers seemed to take an interest in Mark's special problems. They helped me ease Mark through a traumatic period." She sees the center as a real plus, a valuable supplement to her small family unit.

As the Child Development Committee has observed, in homes where the father is absent—due to separation, divorce, or death—good child care services function to fill in the gaps.

Because the potential benefits of quality child care can be so important to the stability of the working family, and eventually to future generations of Americans, the IWY Commission supports a renewed Federal commitment to universal voluntary child development services. The Commission urges that such care must be available on an ability-to-pay basis to all families who need services, regardless of their income level.

The Commission is recommending Administration support and adequate funding for legislation in the spirit of the still-pending Child and Family Services Act of 1975, a bill which supports voluntary child care programs that build on the role of the family as the primary and fundamental influence in the development of the child. Under this bill, prime sponsor groups at the local level would distribute funds and evaluate programs offering part-day or full-day child care, group home care, before- and after-school care and summer programs.

Child care services have been part of the American scene for a long time, although history shows their growth has been uneven. The first American day nursery opened before the Civil War, in 1854, in New York City for the children of poor working mothers. Its hours were 6 a.m. to 7 p.m., considerably longer than most centers stay open today.

Ten years later, States were setting up inspection boards to protect children in care facilities, and in 1885 Pennsylvania became the first State to require licensing. A White House Conference on the Care of Dependent Children was called in 1909. The report of this early group recommended higher standards for inspection and licensing of child care centers. By 1930 there were 800 licensed centers in this country.

Day care took on a new dimension in the 1920's, when child development research led to public enthusiasm for the nursery school as a more enriching experience in the preschool years than basic custodial care.

The 1930's Works Projects Administration (WPA) incorporated the nursery school approach into a network of Federally supported child care centers designed to assist working families and their children. At one point, WPA nurseries served 75,000 children in 1,900 centers at a cost of $6 million a year.

When WPA expired in 1942, the nurseries folded too. But by then, overlapping legislation, the Lanham Act, was providing day care centers for children of war workers. At their peak, these 3,102 centers were serving 130,000 children in full-day nurseries and after-school programs for older children. Federal support was withdrawn in 1945; mothers were expected to return to full-time homemaking and leave jobs open for returning servicemen.

Federal attention to child care was minimal for almost 20 years, until the 1964 antipoverty program of President Johnson launched Project Head Start to assist preschool children from deprived families.

Today, even after recommendations from the first President's Commission on the Status of Women in 1963, and the President's Task Force on Women's Rights and Responsibilities in 1969, Federal support for child care is still primarily designed to shift mothers away from public assistance rolls and into jobs. Unfortunately, such an approach tends to label child care a poor people's program and to produce, too often, a program of poor quality due to inadequate funding.

In an increasing number of families, both parents now work to meet basic needs in the face of rising costs of food, education, and medical care. The first child care choice for many of these working families and single parents continues to be a relative at home. But

Working mothers with young children take advantage of free day care centers operated as an integral part of some U.S. welfare programs.

the trend toward smaller families and greater mobility means that grandparents and aunts who used to take care of children are living in another city or have gone to work themselves. Isolation forces more and more parents of all income levels to rear their children alone, with little outside help until the child is public school age.

Thus, many infants and very young children are being "looked after" by sleeping fathers who work at night, or by older brothers and sisters. School-age children carry latch keys to let themselves in the door and are subject to the many problems that lack of supervision brings.

It is not unusual, then, for working mothers to live with nagging worries about the effects of their absences on the children.

Contrary to earlier dire predictions (which did not consider such critical factors as how the children were cared for in the mother's absence, the social and income levels of groups being studied, and the emotional health of the family) the separation of mother and child for routine, brief, nontraumatic periods does not seem to be harmful if adequate substitute care is provided.[37] Research in the past 10-year period is showing that children with working mothers learn to be self-reliant, have fewer self-doubts, and are as well adjusted socially as children whose mothers stay at home full time.[38]

In addition, children of working women have been found to be slightly higher in achievement motivation. Several studies have even found a positive relationship between IQ scores and maternal employment.[39]

By a 55 percent to 38 percent margin, American women agree that a working mother can establish as warm and secure a relationship with her children as a mother who does not work. Divorced and separated women are strong supporters of the idea that working mothers can establish such relationships with their children, probably because more of them have had to face the situation.

Market Opinion Research[40] suggests that there may be more demand for child care in the future that present usage shows; at present, of women who have worked continuously throughout their adult lives and have minor children, 57 percent with preschoolers use child care and 13 percent with minor children use after-school or vacation care.

But 27 percent of women who have never worked think they will or might work in the future; 13 percent of those with preschoolers would need child care. Among women who have been in and out of the labor force, more than 4 in 10 think they will work in the future; and 17 percent of the mother group would need child care to do so. Most of these respondents were young women under 35, still in the prime childbearing years.

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[37] Kristin A. Moore and Isabel V. Sawhill, Implications of Women's Employment for Home and Family Life, Women and the American Economy: A Look to the 1980's, U.S. Air Force Academy and The American Assembly, Columbia University, 1976, pp.5–10 and 5–11.

[38] Marilyn Mercer, "Is it the Working or the Mothers?" *Glamour*, Feb. 1965.

Bernice Melburn Moore and Wayne N. Holtzman, *Tomorrow's Parents*, Chapter IX. Published for Hogg Foundation for Mental Health by University of Texas Press, 1965.

Abbott L. Ferriss, Indicators of Trends in the Status of American Women, Russell Sage Foundation, 1971.

Myth and Reality, Equal Employment Opportunity in Metropolitan Washington, Community Advisors on Equal Employment (Ben D. Segal, chair), 1973.

F. Ivan Nye and Lois W. Hoffman, Working Mothers in Evaluative Review of Consequences for Wife, Husband and Child, Rand McNally, 1974.

[39] Moore and Sawhill, op. cit.

[40] Barbara Bryant and Associates, Market Opinion Research Poll, 1975. As education and income levels rise, so does agreement with this concept (from 46 percent low to 67 percent high). See Part III for a summary of the poll.

The Commission believes the Federal Government has an immediate and much stronger role to play in technical and financial assistance to States for utilizing community resources in ways that will bolster the family and provide enriching and developmental experiences for children.

An up-to-date survey of national child care needs is essential for intelligent planning to reach this goal. The most recent government-sponsored survey was published in 1968, based on statistics that are now 12 years old.

The Commission requests a new national survey and a follow-up census study to focus on the need for various services and the quality (not just the quantity) of child care. The Commission recommends that questions explore fully the need for after-school, holiday, and vacation care; the need for infant care programs which accept children who aren't toilet trained; the needs of handicapped children and their parents; the child care needs of bilingual, bicultural communities; the need for flexibility in child care schedules (since many centers aren't geared to the 8-hour working day); and the need to remove constraints imposed by employers and others which prevent parents from actively participating in child care centers.

"I look to the future and see a very family-oriented society in America. I see people becoming more mature, especially in how men and women understand themselves and achieve their fullest human potential. I see freedom without anarchy and with no exploitation of one person by another. I see love and respect nurtured by the family and generated by individual self-confidence."

President Gerald R. Ford, to the
North Carolina State Annual
Convention
of the Future Homemakers of
America,
Charlotte, North Carolina,
March 20, 1976

The Commission further urges that the need for child care services be examined not just in terms of the mother's outside employment. Many mothers at home are too overburdened with cares to give children needed attention, and others need time to pursue educational or personal goals as well as volunteer community activities.

Roberta Schaeffer, a 29-year-old continuing education student at Wheaton College, Norton, Massachusetts, says she returned to college in February 1974, after being away for 8 years.

"If there had been a day care center, I am sure I would have returned many years before," she told the audience at the Massachusetts Public Hearings for International Women's Year on October 14, 1975. "I have always been afraid to leave my children with someone I didn't trust, and if there had been a day care center, I wouldn't have had that care. [Her 5-year-old and 2-year-old] would have been playing with other children and adding to their own development . . . having fun and I wouldn't have to worry at all."

Mrs. Schaeffer tried to find a sitter by advertising at school, without a single response. Then she ran a newpaper ad and, at one point, used two college girls to sit. But these students frequently had conflicts or meetings to attend. "One time I was very lucky and the professor let me bring my little daughter along to class."

Another friend was constantly late for class, because of problems with unreliable sitters, and during a test day "she faced terrible stress."

Mrs. Schaeffer was taking only one course last fall. "If we did have a day care center, I am sure I probably would take two or more [classes] which I now have to postpone while my children are at an age where I jiggle hours between nursery school and run back home with school buses and lunches."

Betty Fierro, married, and the mother of two children in Alexandria, Virginia, finds it expensive to be a good volunteer.[41] She spends many hours working for the Mexican American National Women's Association and the National

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[41] From telephone interview, Mar. 1976.

Congress of Hispanic American Citizens. The Fierros' family income is above the level to qualify for a Federally subsidized program, but below that needed to afford private child care easily.

> "Paying out a dollar an hour is hard, when you yourself don't have an extra income to make up the cost. All of my volunteer work comes right out of my husband's pocket."

Ms. Fierro pays an estimated $20–$30 a week for babysitting and for other expenses to attend a minimum of two daytime and two nighttime volunteer activities each week. Her husband travels out of town, so he is often unable to help with night care.

Betty's 4-year-old son, Mano, frequently goes with his mother to meetings. He came along on the train to a February meeting of an IWY committee in Philadelphia. "Mano is used to meetings by now," Betty said, while her son colored pictures nearby. Later that day, he took a long nap on the floor. "This still works with one child, but it would be a mess if I brought the baby too." Betty's son Tino, age 2, stays with the sitter.

Betty continues her intermittent search for an affordable, flexible-hours child care center that will not insist on a regular attendance schedule. Her volunteer activities and related child care needs will not fit into a regular schedule. "All of the centers want to sign you up for a specified time each week." She also yearns for a child care center with a bilingual staff program, "one that includes songs, program activities, and stories from native cultures."

Betty feels that parent involvement and local control are especially important for minority children in day care programs and that the presence of parents reaffirms to children the integrity of their own cultures.

The Commission agrees that local parent participation is vital to the concept of quality child care. But conventional labor practices, rigid work hours, and scarcity of part-time employment all work against parent involvement in programs for their children. The Commission hopes that its recommendation for appropriate tax and other incentives to employers and labor unions will result in wider development of nonprofit child care programs for children of employees.

In addition, the Commission supports an income tax credit for child care expenses, rather than the present tax deduction, which benefits only those families who itemize all expenses.

In the Commission's view, good parenting is not an automatic instinct. Many of the strains on family life that lead to child abuse are due not only to psychological problems, but also to the fact that many parents simply do not know the stages of child development. They are unaware when to expect a child to sit alone or to become toilet trained. Therefore, the Commission supports school-based parent education programs and the establishment of community family service centers.

Parent education classes, such as those funded in limited numbers by HEW, could strengthen the bonds and resiliency of the American family. Students in these Exploring Childhood classes learn as much about themselves as they do about the children they work with under the supervision of child specialists. A 17-year-old girl in St. Louis was enthusiastic:

> "I know that someday when I'm married and have children, I'll draw on this experience that I'm having now. My kids won't be experiments. I'm having the experiments now, and learning how to handle them."

An 18-year-old football player explains that he took the course because,

> "I'm fascinated with little kids and how they work. Some kids fight—I ask them why . . . Bobby intimidates John here because his younger brother gets all the attention at home. If I become a father, I'll have a better idea of how to raise kids properly."

The Commission endorses these parenthood programs in the school, hoping that education will help to break the chain of social problems that is linked to immature and uninformed parenting practices.

Senator Birch Bayh, a member of the Commission and sponsor of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415), has said:

> "Clearly it is better economics to raise whole, functioning members of our society than it is to spend 35 times as much feeding the results of our neglect—crime and welfare—after the time for constructive action has passed."

Another set of IWY Commission recommendations addresses the increasing need for alternative agencies to assist juveniles in trouble, particularly status offenders (children guilty of misbehavior that would not be considered crimes if they were adults). In many States, female juvenile delinquents are given longer sentences than males. Girls who run away from home, who are promiscuous, or who have a child without marrying may be referred to juvenile court, whereas boys are usually not treated so harshly for the same behavior.

The Commission encourages diversion of as many of these children as possible from the juvenile justice system, and it additionally asks for:

- More culturally relevant programs designed by and for minority youth;
- Programs where young women in institutions can explore career training that goes beyond traditional roles and skills such as food service or cosmetology;
- Creative probation projects; and
- Computerization of available shelter care for juveniles.

"Mechanically, it always impressed me that I can get an airlines seat location in 2 minutes, and it takes 2 months to find an empty bed for a kid," notes Milton Luger, assistant administrator of the Juvenile Justice Office of LEAA.[42]

Because inadequate child care facilities block the way to free participation of women in the life of the nation, and because this barrier is one of the hardest to eliminate or even lower, the Commission urges that women's organizations and the government give recommendations in this chapter highest priority. The welfare of women and the future of the country depend heavily on such a commitment. The Commission hopes the next women's study commission can devote its energies to exploring the relative merits and program needs of existing child development services, including centers and family home care, rather than urging again the establishment of adequate facilities.

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[42] Testimony at Jan. 9, 1976, seminar conducted by the IWY Child Development Committee.

Impact on Women

The Federal Government exercises considerable influence over the well-being and livelihood of American women. It does so as the administrator of vast social and economic programs which affect all citizens, and as the largest single employer of women in the country.[43]

That women can and do receive benefits and employment from government is not in question. What is in question is how responsive government agencies are to the needs of women across the country when they design their programs and how well women fare in sharing the opportunities for advancement within the Federal bureaucracy.

An innovative survey of a sampling of programs of some 50 agencies and departments regarding their impact on women as actual and potential beneficiaries throughout the United States was recently instigated by the Interdepartmental Task Force for IWY. This task force, a parallel body to the U.S. Commission for IWY, was created by the same Executive order which brought the Commission into being. Its stated purpose was the coordination of government projects which would further the aims of IWY.

Its special mission was to call for a series of female-impact statements very much like the environmental impact reports, which the government requires of major projects. Agencies were asked to make candid examinations of their programs for their effect on women.

> "Two centuries after this democracy was founded it is correct that we extend democracy fully to women so that they can join with men as partners in making this country and the world a better place for all people . . ."
>
> Congresswoman Bella Abzug
> of New York

For example, are women being fairly considered in government revenue-sharing programs? Is there discrimination against women in "manpower training" programs? Even the name "man-power training" suggests that such discrimination exists, which may explain the recently announced change by the Department of Labor of "The Man-power Division" to "The Employment and Training Administration" within the Department of Labor. In providing Federal grants in housing, are provisions for community public services assessed in terms of women's needs?

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[43] A 1974 survey by the Civil Service Commission shows 682,490 full-time white-collar women in Federal employment. 1974 figures are not available for full-time, blue-collar women employees, but in 1972, they numbered 42,189.

This noncustomary approach to examining programs caused an initial stir in the Federal bureaucracy and ultimately produced an impressive stack of documents with interesting, if inconclusive, results.

By and large, the agencies were cooperative in this endeavor even though the brief time they were given to prepare a report imposed some apparent difficulty.

The degree of sensitivity reflected in these studies toward women as government clientele and as program recipients varied considerably. Almost every agency, however, did manage to come up with some observation on where it could do a better job in putting women more in the picture of government planning, though at times some of them appeared to be straining for effect.

The reports varied so much in depth and extent of coverage that it was difficult to get a firm grasp of where women stand. As one Commission member commented, "sorting through them to get something cohesive that you can really put a handle on, is rather like sorting out oranges and oysters."

It nevertheless can be said that in many areas of government programming, women are not given due consideration even though certain of their special needs are clearly evident and logically should be of concern to Federal policymakers. And the reports themselves cast some interesting light on why this is so.

Part of the truth is that if there were more women in high positions and on the advisory boards which influence policy decisions, the ability and the resolve of government to construct and implement programs beneficial to women would be considerably strengthened.

It should surprise no one that the Department of Transportation (DOT), in its thoughtful report, finds that there are very few women in all the male-dominated fields of transportation. After all, as the report points out,

> "transportation has always been heavy work and traditionally male work—the songs and stories of flatboating and streamboating are of rough men in rough places. The only female worker reported in the songs of the great canal era was Sal, who was a mule."

While women are slowly moving into the world of transport, there are still very few women in senior policy positions in the DOT. This fact is reflected in the lack of any sustained attention to the ways transportation policies can affect males and females differently, due to the divergent roles each group plays within the economy, as well as to the different mobility patterns of their lives.

For example, the preferred mode of transportation for a woman commuter may be influenced by her family responsibilities, the personal and school schedules of her children, and the convenience of combining the journey home with a shopping trip. These are variables that may not enter into the choices of male users of transportation systems, or that may not enter into the plans made by predominantly male planners. Transportation planning should take into consideration the characteristics of all users, including the increasingly large number of full-time and part-time workers.

In another vein, the National Aeronautics and Space Administration reports on a fascinating array of special spin-off benefits to women from space technology. A brassiere with sensors is being tested to help women detect breast cancer at an early stage. A Thermal Magic cooking pin has been developed from the research into high heat transfer-withdrawal for space vehicles. Thermal Magic cooks or freezes heat in approximately one-half the normal time. Space-proof materials are being used to make nearly indestructible refrigerators and other home appliances.

The Justice Department admits that the needs and problems of female offenders have historically been largely overlooked and is taking steps to make facilities for women a more integral part of the correction system and to initiate research into the special needs of the female offender.

In general, the reports indicate that, at the pace women are moving up in the Federal hierarchy, it will be some time before women will be occupying decisionmaking jobs and influencing policy. As the Treasury Department predicts, "It will be 10 to 15 years before women have had sufficient experience to rise in numbers to the top of our career ladders."

A much more pessimistic forecast was made before a task force hearing on the employment of women in the government by the president of Federally Employed Women (FEW). She suggested as a long range goal that the ratio of women in policymaking positions should be set at around 40 percent, the approximate ratio of women in the civilian labor force. But at the 0.25 percent rate of change of women moving from middle to top grades in the period from 1972 to 1974, it would take 141 years to bring women up to that 40 percent goal.

The reports do indicate that affirmative government efforts to bring women into the skilled trades which have been male-dominated are opening up new career possibilities for women both in and outside government.

The National Science Foundation is funding studies and programs to involve more women in science and technology. The Environmental Protection Agency is concerned that traditionally very few women work in the realm of wastewater management and sanitary engineering; it is taking steps to make it easier for women to enter and obtain higher degrees in these engineering fields.

On a small scale, jobs previously available largely to men only are opening up to women. The Interior Department is seeking to hire women as coal inspectors. The number of female air-traffic controllers rose 18.5 percent in 1975.

All positions in Federal penal institutions, except penitentiaries, will be open to women in 1976 and by 1978 even penitentiaries will employ women.

In one vital area affecting women, data collection and analysis, virtually all the agencies admitted to serious deficiencies. These data gaps were such that it was difficult for many agencies to make any precise assessment of the impact on women of Federal and federally supported programs.

The failure, reported throughout the government, to collect and cross-tabulate data by sex, race, and ethnic origin especially obscures the extent to which minority women fail to share in Federal benefits. Many of the committees of the Commission also found that this lack of statistics on women was a severe handicap in evaluating the additional discrimination barriers these women suffer.

> ". . . I find it almost incredible that still in the face of nearly universally stated support for equality for women that there are yet many inequities in our Federal laws . . ."
>
> Congresswoman Patsy Mink
> of Hawaii

To correct this situation, the IWY Commission has recommended to the President that the Office of Management and Budget (OMB) require all Federal departments and agencies to collect, tabulate, cross-tabulate, and analyze data relating to persons by sex, ethnicity, and race, and where appropriate, by age, income, and other indicators of disadvantaged conditions. The OMB is the logical agency to improve this situation, since it already has the authority to establish government-wide statistical standards.

There can be no doubt that the decision of the Commission to seek the cooperation of the IWY Interdepartmental Task Force in requesting these female-impact assessments was an important step for beginning a long overdue process.

There may as yet be no dramatic change in direction in programming as a result of this exercise in government self-evaluation, but it certainly started some thinking by some program managers as to where and how women's interests can be better served. It also created a general awareness in many agencies about the inadequate participation of women in designing and implementing programs. These gains must not be lost.

Heightened sensitivity to the needs of women will be greatly increased if this evaluation process is made part of regular government operations, supervised by some mechanism within the government.

The OMB lent strong support to the task force request for these special IWY impact statements. It also has the necessary oversight and authority of government, through its annual budget and review process, to be the supervisory agency.

For this reason, the Commission is recommending to the President of the United States that OMB require all the departments and agencies of the Federal Government to continue to consider the impact of their programs on women in the United States, and that these impact assessments be made a part of the regular budget preparation and review processes of the government.

Women can play a significant role in seeing that government is more responsive to their concerns and interests. Particularly effective ways were suggested by Mr. James Lynn, Director of OMB, at one of the task force meetings, when he called upon government agencies to hold more public hearings before they made substantive decisions on policy issues and programs. He urged women as individuals and as members of organizations to watch for such hearings and use them to present their perspectives and concerns.

The need for more cross-communication between government and women's groups was reiterated in the evaluation reports. Women must be on the alert for opportunities to monitor government's performance in areas where they are concerned and to look for more effective ways to make their views and interests known to government policymakers.

A Needed Watchdog

Every day, decisions are made in Washington, D.C. that affect the lives of American women. These decisions are often made without the knowledge or consent of the women involved.

This situation is due to the fact that very few women occupy positions of power and influence in the Federal Government. There are, in May 1976, no women in the Senate and only 19 in the House of Representatives. No women sit on the Supreme Court and only one woman is a Cabinet Secretary. In the Federal bureaucracy, only 1.6 percent of the top government administrators (GS–18) are women.[44] Issues of war and peace are decided solely by men.

A permanent and high-level voice for women is necessary to insure that their needs and interests are integrated into the day-to-day activities of government. A mechanism to represent the women of America—who comprise a majority of our population—is needed to insure that the work of this Commission and the goals of International Women's Year are brought to fruition.

Existing government programs for women were looked at by the Government Organization Structure Committee. The committee found that these units are scattered throughout the Federal bureaucracy. Because these women's advocates are so dispersed, and sometimes buried, their visibility and influence are often marginal.

For example, in addition to those agencies which enforce laws prohibiting sex discrimination (such as the Office of Contract Compliance and the Equal Employment Opportunity Commission), there are (in May 1976) nine different women's programs which offer information and advice on women's needs.[45] These programs perform similar functions, and they are all handicapped by the lack of visibility, power, and resources. While performing a valuable service, they are unable to make the government as responsive to women as it should be.

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[44] Civil Service *News*, Oct. 6, 1975, table C.

[45] The programs are: The Federal Women's Program (Civil Service Commission); Women's Bureau (Department of Labor); Women's Action Program and the National Advisory Council on Women's Educational Programs (HEW); White House Office of Women's Programs; Citizens' Advisory Council on the Status of Women; Interdepartmental Committee on the Status of Women; Women's Rights Program Unit (Commission on Civil Rights); and the National Commission on the Observance of International Women's Year.

Research also revealed that there were no progressive models in other countries that the United States could copy. Those few countries that have created special governmental programs for women rely on appointed advisers to the Executive. Lacking a staff and a firm power base, these advisers, such as Francoise Giroud in France, are completely dependent upon the goodwill and interest of the Executive for their existence and influence.

> "One of the things I have always said about the man-woman relationship is that I don't want anybody to walk ahead of me and I don't want anybody to walk behind me. I want a man who will walk along beside me. And that's how I feel about equal rights."
>
> Cicely Tyson
> Actress

For example, Elizabeth Reid of Australia believes that she lost her post as special adviser to the Prime Minister because of her outspoken feminist positions. There does not seem to be a suitable model of a high-level government program for women with an independent power base from which women can influence government decisions affecting their lives.

The Commission began to consider a range of options. On the one hand, it could accept the existing situation while recommending that particular programs, such as the Women's Bureau of the Department of Labor, be strengthened. However, it was felt that a unified voice for women would be stronger than one which was so fragmented.

Another possibility was to ask the President to appoint a special counsellor of Cabinet rank who would advise him on women's affairs. The current Ambassador to England, Anne Armstrong, had fulfilled this role in 1973, but her successors have had neither the rank of counsellor nor direct access to the President. A consideration against this option is that such a position is neither as powerful nor as secure as needed to represent the women of America. The President would be free to hire and fire the counsellor at any time. He could also choose to downgrade the post or leave the post vacant.

Finally, the possibility of consolidating some of the existing programs for women into either an independent agency or a Cabinet-level department was considered. Each option has definite advantages for women.

A Cabinet Secretary would enjoy great prestige, would have direct access to the President, and would be intimately involved in the policymaking process. The head of an independent agency would be freer to criticize Administration policies and play an independent role in integrating women's concerns into Federal policies. An agency administrator could conceivably adopt more controversial positions than a Cabinet officer, who could be summarily fired by a displeased President. However, the price of independence could also be isolation.

A question arose as to whether a combination of these alternatives was feasible. Some Commission members noted that the appointment of a Presidential counsellor, such as Anne Armstrong, would not preclude the creation of an independent agency for women within the executive branch. The creation of a Cabinet Secretary, however, would preclude the creation of such an agency because they would perform similar functions.

Commission members agreed that a new mechanism is needed to provide women with a strong, unified voice. But, they disagreed on the best means to achieve that goal. After a lengthy debate on the merits of the alternatives before them, the Commission adopted, by a very close vote, the recommendation of the Government Organization Structure Committee to create by legislation a Cabinet-level office which would be responsible for the functions of many existing programs for women in the Federal Government.

The Cabinet-level officer could be either a Presidential counsellor with Cabinet rank or a Department Secretary. This post would have more power and influence than any existing women's program. In addition to collecting and disseminating information on women, the Cabinet-level officer would monitor and evaluate Federal programs and activities affecting women, make recommendations on policies and programs to advance the status of women, participate in the budget process, and challenge Federal policies and decisions adversely affecting women.

In short, it is hoped that this Cabinet-level office will become the vehicle by which women will finally realize the goals of the Commission and enable women to be full and equal participants in American life. The first step is to provide women with an effective voice in government.

A Greater Voice

The National Commission on the Observance of International Women's Year finds it imperative that more American women be involved in the formulation and execution of U.S. foreign policy.

An International Interdependence Committee charged by the Commission with examining women's international role recognized from the beginning of its study that the policy of this Nation and others is concerned with basic issues of global peace, economics, food, population, energy, protection of environment and international understanding and that women's voices are seldom heard when policies are set and decisions implemented in these areas.

To correct this situation the committee concentrated its efforts on identifying specific methods by which more women could participate in these vital decisions. A variety of procedures were outlined to the Commission and were subsequently adopted as recommendations.

Among the most important is one which directs agencies to consult with women from voluntary organizations, also known as nongovernmental organizations, when formulating positions to be taken at international meetings.

The committee noted that the State Department directs public affairs programs and materials to women and that it makes an effort to involve women in support of U.S. foreign policy. While applauding these activities, the committee said

> "communication is a two-way affair. In addition to involving women in support of foreign policy the opinions of women should be taken into account when developing that policy. Including women's organizations in this process will greatly enrich the foundation upon which U.S. foreign affairs must rest."

In another recommendation the Commission asks that all agencies be instructed to appoint women on an equal basis with men to the governing bodies of international organizations, such as the Organization of American States, the U.N. Human Rights Commission, and other U.N. functional committees.

The Commission also seeks the equal representation of women on delegations to international meetings. A survey of the files at the State Department's Office of International Conferences revealed that in 1975, out of a total of 3,653 delegates to conferences, meetings, work-

Members of the U.S. Delegation to the World Conference for IWY at Mexico City in 1975. From left are: Jewel Lafontant, Daniel Parker, Patricia Hutar, and Ambassador Joseph John Jova.

ing groups, councils, etc., 3,459 were men and only 194, or 5 percent, were women. The Commission asks that each government agency concerned with such conferences maintain a roster of qualified women and that the rosters be drawn from both government and the private sectors.

To increase the number of women participating within the Federal agencies which have international responsibilities, the Commission asks that efforts be intensified to attract women candidates from all sectors of society, giving special emphasis to minority groups. The goal is the hiring of equal numbers of women and men at the entry level.

The Commission also calls for an aggressive program, not only of recruitment, but also of training, assignment and promotion, to increase the number of women serving in mid- and upper-level career positions in the Department of State, the Agency for International Development, the U.S. Information Agency, and others.

> ". . . any society that categorically excludes half its members from the processes by which it rules itself will be ruled in a way that is less than fully human."
>
> Kathleen Newland, in
> "Women in Politics: A Global Review"
> Worldwatch Paper 3, December 1975

Believing that the objectives of the women's movement in the United States and in most other countries are concerned with the same human rights as set forth in the Declaration of Independence and the Constitution and its Bill of Rights, the Commission further asks that courses on the status of women around the world be taught at the Foreign Service Institute of the Department of State. Courses linking the new global issues of diplomacy with the expanding, nearly universal, social movement of women would greatly benefit employees of the foreign affairs agencies and other government employees.

The Commission opposes the abolition of the United Nations Commission on the Status of Women. The Group of Experts on the Structure of the U.N. System has recommended that the work of this Commission be assumed by the Group of Experts along with the work of some other U.N. agencies.

In recommending that the Status of Women commission be maintained in its present form, the IWY Commission stated that:

"If it were not for this Commission, almost certainly little would be done within the United Nations to improve the status of women around the world. Further, there would be no communications or support system for women at this international level."

"Women's presence as policy planners and decision makers must be felt," says IWY Commissioner Pat Hutar, "if we want the policies of the public and private sectors to be altered so as to be more equitable for women and men."

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PART III

The Future

Where Women Are Heading

Summary, Market Opinion Research Poll of 1,522 U.S. Women—1975

What are American women doing, and what do they want to do? How satisfied are they with their lives? Do they welcome or resist change in the roles women fill? Where are they now in U.S. society, and where does it appear they may be heading?

These are the kinds of questions to which the Commission sought answers when it commissioned Market Opinion Research to design and conduct a study on American women. The report of the findings is based on interviews made in August and September 1975 with a stratified probability sample of 1,522 adult women in the United States.

Among the findings of significance to public policy were the following:

- Among women 18–34, over three-fourths said a lifestyle they would prefer is a combination of homemaking and career, with a majority wanting to stay home when their children were small. Only 9 percent would prefer being mainly a homemaker.
- Three-fourths of all women favor governmental assistance for those in need of child care on an ability-to-pay basis. Ninety-one percent of women 18–24 favor such assistance.
- Forty-five percent of mothers with less than high school education and 44 percent of those with incomes less than $5,000 reported that all their pregnancies were unplanned. Fifty-two percent of women 18–24 reported that all their pregnancies were planned and 46 percent of those 25–34 so reported.
- Only 14 percent of divorced women were awarded alimony, and of these only 46 percent collected regularly.
- Only 44 percent of the divorced mothers had been awarded child support, and of these only 47 percent were collecting regularly.

- Forty-eight percent of the women wanted additional training or education, and over half of these were interested in college or university training.
- Forty-seven percent of the women desiring further education said they could afford it; the rest responded "no" or "don't know."
- Only 53 percent of the women had heard of the Equal Rights Amendment; of those aware of it, only 20 percent felt they knew enough to have an informed opinion.

An assessment of American adult women must start with the basics about them:

- Four out of 10 are under 35 years of age, three out of 10 are 35–54, and the remaining three out of 10 are 55 or older.
- One-third have graduated from high school, slightly less than one-third have less education, and slightly more than one-third have gone on to post-high school education.
- Two-thirds are currently married and living with their husbands, 15 percent have never married, and the rest are divorced, separated, or widowed.
- Three-fourths have given birth to one or more children, but because some of these children are grown, only 43 percent have minor children in their households now.
- Forty-two percent are currently in the labor force—31 percent working full time and another 11 percent working part time. However, 9 out of 10 adult American women have had paid employment at some time in their lives.
- Eight out of 10 live in urban/suburban areas, and only 2 out of 10 in smalltown and rural areas.
- Eighty-three percent are white, 11 percent are black, 3 percent are of Spanish-speaking backgrounds, and 3 percent are of other races, including 2 percent Native American (American Indian).

American women no longer choose whether to be homemakers or career/job holders. They want lives which combine homemaking and paid employment and most of them have lived such lives. Nearly one-half think the ideal life would be to stay at home with young children and to combine homemaking with a job and career during the balance of the working years.

The actual pattern of working and being a homemaker in the adult years is affected very greatly by age, education, and marital status. Women are much more apt to have worked continuously if they are young, have education beyond high school, and are single or divorced. They are much more apt to have been homemakers continuously if the opposites are true, i.e., they are older, have less than high school graduate education, and are married or widowed.

Those in the 35–54 age group show the highest proportions (40 percent) of having combined working and being a homemaker at the same time for the major portion of their adult lives. Another quarter of this age group have alternated working and being a full-time homemaker. This pattern of combination or alternation is stronger in the middle-year age group than is the cycle of having worked, then dropped out of the labor force to become and remain a full-time homemaker.

The group showing the highest proportions of having worked but now staying home are those age 25–34, who also have the highest proportions now out of the labor force because of minor children.

Women with low family incomes opt less for returning to work as children get older and show the most preference for a career mainly as a housewife. This may be because of the elderly among the low income group. The desire to spend life mainly as a homemaker increases markedly with age. Only 9 percent of those under age 35 want to be mainly homemakers, but 39 percent of senior citizens 65 and over think this the best option for life.

The importance of being a homemaker is demonstrated by the fact that only 5 percent of American women—similar among all age groups—think the most satisfying life would be one mainly as a job/career woman. They want homemaking as part of their careers, but not the whole part. One reason they don't want homemaking as the sole activity is that two-thirds don't think homemakers are as interesting people as those who work outside the home for pay.

When the work/homemaker patterns today's women have actually lived are matched against the career lifestyles they would choose, it appears that 29 percent have lived their chosen pattern and 36 percent have a possible match to it. Thirty-five percent have led lives unlike their ideal.

The importance of job opportunities for American women is underscored by the finding that 91 percent have worked, at least part time, at some time in their lives. Of the 9 percent who have never worked outside the home in paid employment, only 6 percent are certain they will not work in the future.

These findings include the entire age spectrum, from students in the 18–24 age group to retired senior citizens. The present labor force participation of women is 31 percent employed full time, 11 percent part time, and 58 percent not employed. Forty-nine percent are not now employed but have worked in the past. Twenty-one percent are not now employed but plan to return or to enter the labor force in the future. Another 6 percent think they might seek paid employment, depending upon future circumstances. Thirty-one percent are not now employed and have no intention of working in the future. This group includes the retired.

Looking at women's occupations, the most striking findings are:

- There are no great differences in the occupations of white and minority women. The only exceptions to this are more whites in clerical jobs and slightly more black unemployed.
- Occupational categories are similar across most age groups between 25 and 64.
- Occupational categories are different according to the marital status of women. These differences are because fewer single and divorced women are full-time homemakers.

These three findings make an occupational distribution of women very different from that of men. Occupations for men differ by race and age, but not by marital status.

Besides marital status, the one factor which makes a difference in occupation for women is education (a factor which also affects the occupations of men). However, for women, increased education makes possible jobs as teachers and nurses but does not increase the proportions in management positions.

The finding that occupations of women differ very little by age suggests that no great change has occurred despite recent pressures for promotion of women. In fact, the age differences for women in managerial and administrative jobs show increased proportions from seniority rather than from the young going into areas that were not formerly open to women. Manager/administrator proportions are 3 percent among those 25–34, rising to 6 percent among those 55–64.

Women's occupational roles remain traditional. Half consider their principal occupation as homemaker, 9 percent are retired, 5 percent are students, and 3 percent are currently unemployed or laid off. That leaves only one-third of women to name another occupation, and the biggest proportion of these (38 percent of those with other occupations and 13 percent of all women) are in clerical or office occupations. Twelve percent of all women are in professional/technical/managerial jobs, of whom half are either teachers or nurses.

In the area of individual income, 37 percent of women have no income of their own. This includes 38 percent of white women and 35 percent of Spanish-heritage women, but only 24 percent of black women. The "no income" difference is explained largely by the fact that six out of 10 white women have husbands' wages or salaries as part of family income while only 35 percent of black women have.

Including the women who have no income of their own, three-fourths of all women have individual incomes of less than $6,000, and this proportion is the same for white and minority women. Looking only at the individual income of women who report some, two-thirds make less than $6,000 (61 percent of white and 70 percent of minority women). Only 14 percent make more than $10,000 (14 percent white; 9 percent minority). Only 9 percent of women are union members.

Rating the tasks and work activities they do on a scale from very satisfied to very dissatisfied, half of women are very satisfied and another one-third are somewhat satisfied. American women also feel confident they can manage their personal lives. Eight out of 10 consider themselves very capable and most of the rest think they are at least somewhat capable.

However, only 37 percent feel very capable of their ability to buy a home on their own. Two-thirds think they are very capable of managing the family's finances and another 20 percent are somewhat capable. Three-fourths think they have at least some capability for financially supporting themselves and dependents, raising children on their own, or buying a car by themselves.

About 85 percent of adult women have been married at some time in their lives, but only two-thirds are currently married and living with their husbands. The differences are because of death, divorce, or separation from spouse. Seven out of 10 women have been married once, 11 percent twice, and 3 percent three times or more.

Among those currently married, one out of 10 couples has celebrated their golden anniversary and 28 percent are past their 25th anniversary but have not yet reached the 50-year mark.

Although only 6 percent of all women are divorced at present, 16 percent of those who were ever married have been divorced at some time in their lives. The rate is even higher among black women, where 24 percent of those ever married have been divorced, compared to 15 percent among white and Spanish-heritage women.

The highest incidence of divorce is among those now in the middle-year age group of 35–54. Twenty-two percent of these women who were married also divorced.

Do those women now married think their marriages will last? Three-fourths say they are absolutely certain their present marriage will last until they or their husbands die. However only one-half of married black women are absolutely certain their marriages will last. Among women who worked and then quit to become full-time homemakers, 84 percent express certainty their marriages will last.

Is marriage necessary? Two-thirds think a woman can live a full and happy life without marriage and nearly the same proportions think a man can.

Ideas on the appropriate relationship with respect to careers, husbands, and earnings are changing markedly. This is demonstrated by the difference between young women and their elders on achievement, on a woman earning more than her husband, and on whether it is more important for a wife to help her husband than have a career of her own.

Those under 45 disagree that "it is better for everyone involved if the man is the achiever outside the home and the woman takes care of the home and family." But those over 45 agree with the statement.

Those under 45 disagreed that "if a wife earns more than her husband, the marriage is headed for trouble," while those over 45 agree.

Those over 45 agree that "it is more important for a wife to help her husband than have a career of her own," but those under 45 have mixed feelings.

Divorce is still in reality the experience of only a small percentage of all American women (14 percent) and the present status of only 6 percent. Among those women who have ever been divorced or separated from their husbands, only 14 percent indicate they were awarded alimony or maintenance payments from their ex-spouses. While a plurality (46 percent) of the women report they regularly received their payments, 50 percent report at least some irregularity. Two-thirds of those with irregular payments took legal steps to collect their alimony.

Only 44 percent of the mothers divorced or separated report receiving child support awards. While this 44 percent figure is consistent across other subgroups, it drops to 25 percent among black mothers. Half the mothers who were awarded support report some irregularity in receiving their payments, and two-thirds have resorted to legal means to collect.

Where minor children are involved in a divorce, 37 percent of women say that both parents should be considered equally for custody and 45 percent say that custody placement should depend upon the circumstances. Only 17 percent are automatically saying that custody of minor children should be given to the woman.

On the question of child support, American women are again diverting from the traditional view. Forty-eight percent say child support should be a concern for both parents, and 30 percent say it should be based on the circumstances. One-fifth of all women continue to feel that support should rest with the father alone, regardless of whether the mother is working.

Women are looking at alimony with the new view that it is not a right, but should be awarded only if one party in the marriage needs it. Thus two-thirds say a woman should not get alimony if she can support herself, and 42 percent think the woman should pay alimony to the man if he is unable to support himself.

One-fifth of women have children who are now age 5 or under, but only one-third of these women use child care on a regular basis. Only 7 percent of those with minor children of any age are using after-school or vacation child care services.

Among those women who have worked continuously throughout their adult life and have minor children now, 57 percent of those with preschool children use child care and 13 percent of those with minor children use after-school or vacation care. In 1975, women with minor children were still using the traditional methods of child care services. The babysitter predominates, with relatives second and private nursery schools third.

Among women who have never worked (only 27 percent of whom think they will or might work in the future), 13 percent of those with preschoolers would need child care and 11 percent of those with children of any age would need after-school care to do so. Most of these are young women under 35.

There is overwhelming agreement among women of all ages that the government should assist those in need of child care on an ability-to-pay basis. Three-fourths of women favor government assistance. Among singles this figure rises to 84 percent, among blacks to 85 percent, and among the young (18–24 years) to 91 percent.

American women agree, by a 55 percent to 38 percent margin, that a working mother can establish as warm and secure a relationship with her children as a mother who does not work. And an imaginary line can be drawn to divide women on this question. Women in the 18–44 year group agree by a two-thirds majority that a working mother can establish rapport with her children, while those over 45 are less likely to agree.

One-quarter of all women in America presently use some form of birth control, and this is true whether they are married, single, or divorced. Half of women under 35 currently are practicing birth control; one-fourth of those 35–44 and one-tenth of those 45–54. Twenty-nine percent of singles of all ages use one method or another.

Education and income make the difference in usage of birth control. As education and income rise, usage more than doubles, from 13 percent among the poorer, lower educated women, up to 35 percent among those with high school educations and family incomes over $10,000. Usage peaks in the 25–34 year age group. Spanish-American women practice birth control at a lower rate than do other whites.

Only 5 percent of the women who are not using any method of birth control say they would like to be doing so. This demand rises to 16 percent among 18–24 year olds and among singles. Although young, single women are presently practicing birth control at fairly high levels, more want to do so. This gives some indication of levels of premarital sex and the desire of the young (single and married) to control their lives and plan their pregnancies.

Three-fourths of adult women have given birth to a child, and among these natural mothers, the largest group has had two children. Twenty percent have had one child, 32 percent, two children; 20 percent, three children; and 12 percent, four children.

Only one-third of mothers planned all their pregnancies and another one-third planned some but not all. This leaves one-third who had all their children unplanned.

Among the 25–34 year olds, 22 percent of the pregnancies were unplanned, while among those over 55, more than 40 percent of their pregnancies were unplanned.

Black and Spanish-American women report more unplanned pregnancies than others. And the higher the education and income, the less likelihood was found among all women of having an unplanned pregnancy.

Four percent of American women admit to having had an abortion. Divorced or separated women report this slightly more frequently (9 percent). The vast majority of abortions were performed under medical supervision, except in rural areas where 30 percent were not done under medical conditions.

Although many did not plan their own pregnancies, women agree that the decision about when to have children should be made jointly by the man and the woman.

And 77 percent of American women feel that teenagers should receive information about birth control methods and practices. Support for this idea varies with age. A 92 percent level of support among younger women declines to 53 percent support among older women.

Parents, school teachers, and private doctors were mentioned as the sources that should provide sex education for teenagers. The choices were parents, 67 percent; school teachers, 40 percent; and private doctors, 29 percent.

Today's American women are women with education. Seven out of 10 have graduated from high school, and 37 percent have had at least some college. Furthermore, the college experience has grown since the end of World War II. Among women over 45 (those who reached college age prior to the mid-1940's) only one-quarter have any college education, while today attending college or university has become a near majority experience for young women.

Forty-eight percent would like to continue their education in some form and a majority (56 percent) of divorced and/or separated women indicate their desire for further education. Most of these women want more education at the university level (52 percent), but there is also a demand for vocational training (22 percent) and noncredit enrichment courses (17 percent). Forty-seven percent of all women wanting more education think they can afford it, but almost one-fourth say they cannot. The rest cannot judge whether they can afford it.

In leisure activities, participation in tennis, skiing, and water sports dominate the interest of the young but not the elderly. The next largest category of interests are in the art and needlework crafts—everything from sewing to ceramics and painting. This interest peaks in the 25–45 age group. Reading, studying, and education-related activities are the third-largest group, favorites of one-quarter of women. Home-related activities such as cooking, interior decorating, and gardening/house plants, form the fourth major category.

Only one-fourth of women belong to organizations whose memberships are predominantly female, and the largest type of women's organizations is those that are church-related. Women's rights organizations attract only small proportions and their memberships are made up of educated, fairly young, white women.

When the American woman reads or sees the mass media, does she see herself—or the women she knows—reflected there?

Magazine and newspaper articles and stories are more apt to show women an image of themselves that they recognize than are TV shows and ads. The widow and the Spanish-heritage woman sees herself less often than other women see themselves. Highly educated women read more about the kinds of women they know in the newspaper. But other than these groups, most women share the same perceptions of their reflections in the media.

Forty to 50 percent say their own reflection is never there. About 40 percent find theirs sometimes, but only 5 to 6 percent find theirs often.

Newspaper readership is highest among women with better education, higher incomes, currently married or widowed, and whites over the age of 30. It is lowest among those with the least education, minorities, and among young adults under 25.

Young women under 25 are less in the audience for TV news programs than women 25 and over. Older women and blacks—especially blacks—watch soap opera type serials in greater proportions than other women do—so do those women with less than a high school graduate education.

The top 10 magazines among American women——according to what they report reading in the past 2 months—are, in order: *Reader's Digest, Ladies' Home Journal, Good Housekeeping, McCall's, Time, Better Homes & Gardens, Redbook, Newsweek, Woman's Day,* and *Family Circle.* Only 5 percent of those women with post-high school education have read no magazines in a 2-month period, while 43 percent of those who did not finish high school read none.

Ebony is read by 19 percent of black women but by virtually none from other racial groups. *Ebony* is the number one magazine among black women, who generally read magazines less than white women do.

Over one-third of American women have not read a book in the last 2 months, and 58 percent have not gone to a theatre to attend a movie. In contrast, one-fifth of women have read more than six books in the same period. For most women, the merits of a book are not based on the sex of its author, and only 14 percent think they would be more likely to read a book if it were written by a woman than a man.

American women support the concepts that women should be more politically active than they are today (69 percent agree) and that women should be encouraged to seek elective and appointive posts at local, State, and national levels of government (72 percent agree). But they are less sure of the capabilities of women. Only 57 percent think there is a woman in the United States presently qualified to be appointed to the U.S. Supreme Court, 26 percent have no opinion, and 17 percent do not think such a qualified woman exists at this time.

Three-fourths of women are registered to vote and about two-thirds voted in the past two major elections (69 percent in the 1972 Presidential election and 64 percent in 1974). Only 52 percent of 18–24 year old women are registered to vote; the highest number (87 percent) is in the 55–64 age group.

Majorities of American women (59–60 percent), regardless of whether they have worked continuously throughout their lives or have been in and out of the job market, do not feel they have been discriminated against in the pay they have received for their work. Among the currently employed, 18 percent of those who have worked continuously and 14 percent who have been in and out of the job market feel they have not been paid equally with men for the same job performed. Divorced and separated women by significantly greater proportions say they have not received equal pay.

Most working women also do not feel that they have been slighted in the job world and had less qualified men promoted ahead of them. However, one-fourth of women who have worked continuously and one-third of divorcees say men who were less qualified were promoted ahead of them. Two-thirds of women in the labor force say they are aware that there are means by which they can report job discrimination based on sex.

In 28 percent of homes with women, both the wife and her husband contribute wages or salaries to the family income. But in only 19 percent of these households does the woman earn at least 50 percent of the two incomes. This proportion is slightly higher (25 percent) among women who have worked continuously. Among the husbands in such homes, only 10 percent contribute less than 50 percent of the combined total.

Two-thirds of women feel that boys and girls have the same educational opportunities available to them, but they are in somewhat less agreement (44 percent) that girls and boys receive the same vocational and occupational training. In fact, 38 percent disagree that such is the case. And 53 percent say they do not think the same opportunities exist for girls as for boys in the area of sports participation.

In their attitudes on the women's movement, 57 percent of women have positive comments as opposed to 28 percent making negative comments. Half the women favor the efforts being made to change women's status, 29 percent oppose the changes, and the rest are undecided.

As age increases, support for the changes decreases. Sixty-six percent of 18–24 year olds favor present efforts for change, but the figure drops to 30 percent among those 65 and over. Only one-third of women who have always been homemakers support the movement, while their counterparts who have worked continuously are much more enthusiastic, with 68 percent favoring societal changes.

One-third of the women feel that the movement for women's rights has helped them personally, while 60 percent say it has not. Among women who have always been homemakers, 22 percent say the movement has helped them personally, as do half of those who have always been in the work force.

A bare majority of 53 percent of American women are aware of the Equal Rights Amendment, despite the discussion, publicity, and controversy that have surrounded this amendment issue. And only 24 percent can correctly identify whether the ERA has been ratified by their own State legislatures. No large group of women shares any one idea of what the effect of ERA will be. And the lack of knowledge is further borne out by the fact that even among women aware of the ERA, 74 percent say they do not know enough about it to have an informed opinion.

The report concludes:

Today's young adult women are very unlike their grandmothers, though the break with their mothers is not as sharp. The trend is apparent—toward a lifestyle in which women will play a larger role in the ranks of the employed and a more equal role in the division of responsibilities within the family. The move is toward a lifestyle in which women will share with men the provision of financial and emotional support of children and their physical care, and a lifestyle in which who supports the family or pays alimony or obtains child custody if the family breaks up will depend upon who is best able to do so. The trend is also towards a lifestyle that provides more options for the woman who never marries.

Before such lifestyles are possible, however, women will need to overcome some handicaps.

Their in-and-out-and-back-in pattern in the labor force serves to hold their wages and salaries down. They are not making major inroads into administration, management, or the skilled trades. However, today's young women have prepared themselves with far more education than their grandmothers had, and this will be one route to better jobs and pay.

The same types of differences exist in education, income, and marital status between black women and white women as exist in the total population, but the gaps in income, education and occupation are not as great among women as among all adults. Attitudinally, minority women are as ready for change—or more so—than their white counterparts.

Women are changing. The attitudinal evidence is here. The behavioral evidence should follow in the years after International Women's Year 1975.

The Third Century

Have you listened to the voices of young American women of 1976? The young women who are changing the course of American life, more quietly, but just as certainly as the framers of the Declaration of Independence did in 1776?

It is not strange that their goals are the same as those of 200 years ago—justice and freedom for all.

Have you heard their vibrant, strong words? So caring, so full of high resolve for themselves, their husbands, their children, their community, and their country?

Shaped by a changing America, these are the new American women. Among the voices are those of young wives and mothers of toddlers, who in 2 decades, when their children are grown, will be in the halls of Congress, the board rooms of business or at the bargaining tables of industry. Or, if they are not sitting in seats of influence, they will be wielding power because this is a democracy and they have the vote.

They are secure in the knowledge that more of them than in any previous generation of American women can choose what they shall do, and be, and become. They are clear-eyed as they decide their future goals. Some are taking longer before they marry; some may decide not to marry, because that alternative has become more acceptable. If they do marry, they are very serious about making their marriages successful.[1]

They already have more education than American women before them and they want more. They are conscious that their own opportunities for fulfillment are wide, and they are determined that life will offer even greater freedom of choice for their daughters and sons.

Many have husbands who have adopted new lifestyles within the home and who are supportive, even initiators, of their wives' goals.

"If I don't want to be shoved into a stereotyped role, why should my husband?" asks Mrs. Frances Porter of Alpena, Michigan.[2]

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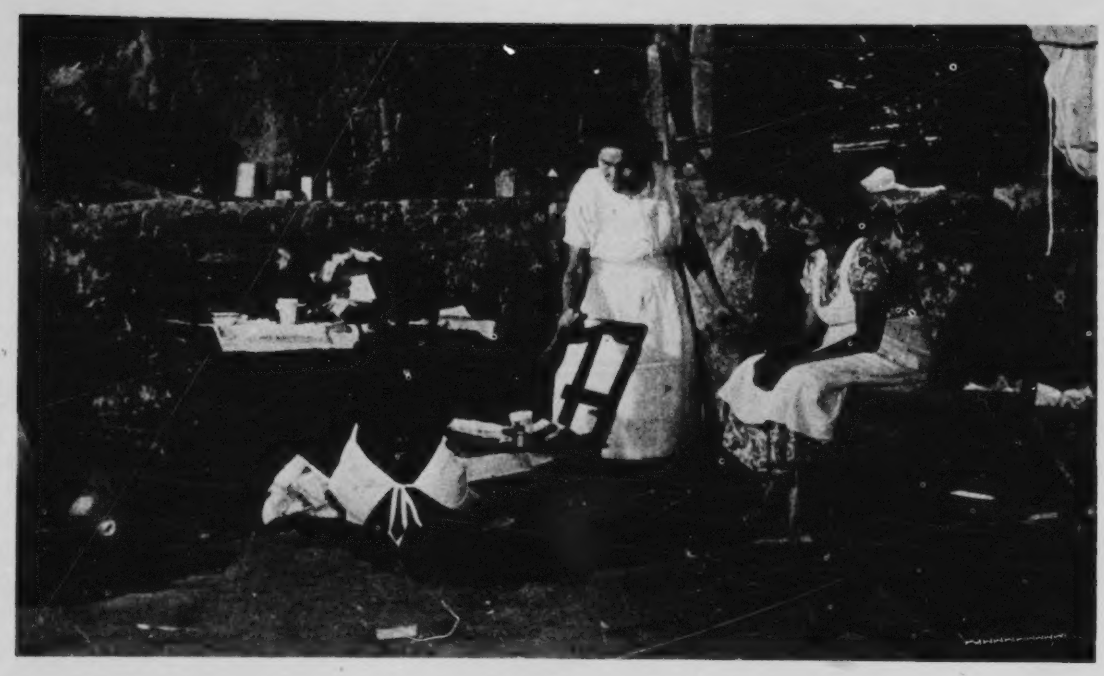
[1] Information here is based on a study done by Market Opinion Research in 1975 for the National Commission and on personal telephone interviews done by Commission staff members.

[2] Mrs. Porter and the four other women quoted in this section were interviewed by telephone Apr. 10 and 13, 1976. Their stories personalize the major findings of the



In El Salvador, a public health nurse visits a rural home to teach new health care methods to a midwife and an expectant mother.

Photo courtesy of the United Nations.

> "Yes, I work in a department store as a salesperson. And I probably will work the rest of my life. After the children are older I want to get my bachelor's degree. Working gives me the independence that is important. We have a sitter and my son [6½] is doing well in school. My daughter [3½] is well adjusted and loving; so is my son.
>
> "My husband is exceptional and a very giving person. We share both the things we like to do and those we don't like to do. He has always helped and shared with the children. They go to him equally.
>
> "I want my daughter to have all the advantages of any person. We don't discriminate between boys' and girls' roles. I don't say, 'Girls don't do this, or boys don't do that.'
>
> "The most important thing in life? My children; letting them grow to be themselves, whatever they can be."

Like Mrs. Porter, Mrs. Susan Hartman of State College, Pennsylvania, is raising her children without sex stereotyping. She says,

> "I don't say 'fireman,' I say 'firefighter.' My husband, a registered nurse and a student, has taken 3-year-old Sarah to the nursing home where he works to see the doctor because she is a woman. In this way Sarah knows that women can be doctors; they don't all stay home like me.
>
> "I plan to go back to school when the children are about 10 and I'd like a job which would let me be home at 3 when the children come from school.
>
> "My family is more important to me now, but in 10 years, a career will be equally as important."

Mrs. Marty Knoche of Seattle, Washington, at 28, is divorced and has remarried. She is intensely interested in the women's movement and says because of it she has made a "180 degree turn around."

> "It has opened up a lot of options and alternatives for me. Just the other night I was reading my eighth grade diary in which I had written about all the children I would have

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study done by Market Opinion Research (MOR) in 1975 as related to women in the 25–35 age group. (See summary of MOR study in Part III.) Seven names have been chosen at random from a group of women polled by MOR. Of the seven, one woman could not be reached because her phone was no longer listed; one did not answer. The five remaining responses remarkably illustrated the statistical findings.

> "Each individual, man, woman and young adult, must achieve independence before he or she can attain interdependence. And interdependence is the ideal relationship . . . All . . . try to . . . break away from a master-slave relationship and define themselves. They declare the dignity of their own identity."
>
> Jacqueline Grennan Wexler,
> President of Hunter College,
> at Institute for Psychoanalysis

and how I would stay home taking care of them in my neat little suburban house. But I don't think like that anymore. My husband and I have decided not to have children and I am starting back to school.

In 10 years I hope to have my own business, maybe a little publishing company or a weekly newspaper. I want to be in charge of what is going on.

"My husband, who thinks my plan is super, also wants to go back to school but he is willing to wait until I finish. I quit college earlier to put my first husband through school. This is a new experience to have someone really supportive of me.

"My husband is the housekeeper. I don't really care if a house is clean, but he is a perfectionist so we decided he would do that work plus his job. He is really a super person.

"And now I'm thinking about getting into politics. This year I'll work in a friend's campaign and by the time I'm 35 I want to hold office. I may start by running for our State legislature."

These true stories of Mary Knoche, Mrs. Porter, and Mrs. Hartman give clues to the quality of the personal lives of those under 35.

There are also indications that these young women and others like them may one day demand a greater share in the problem solving of the United States, both on a national and international level.

Mrs. Allen Jacquet of Melville, New Jersey, a 31-year-old mother of two, works shifts making glass soda bottles, a job she has held for 12 years and which does not please her much because, she says, there's no chance for advancement.

Mrs. Jacquet's personal wish is to become a teacher someday. Her wish for the starving and underfed people of the world is that the United States will do something for them.

"We have so much. We should share. People complain about sending grain to the Soviet Union and about the high price of our bread. If bread went up 3 cents a loaf, I would not mind if the money went to help someone who is hungry.

"Perhaps free sterilization should be provided for the overpopulated countries. I have read about the program in India.

"I don't know how women can get into these issues, but I see more and more women on television who are involved and I believe it is good."

Mrs. Walter Shafer of Newkirk, Oklahoma, says the United States has problems and she lists crime, deviant behavior, and emotional illness as among them.

"Despite these things, America is the best place to live. It is far superior to any place else in the world. I would like to see American women more involved in world problems, though I am sure it would be difficult.

"Our State representative is a woman—a housewife, mother, and widow. I am impressed with her. Women can deal with problems without worrying about their image; they are not as political as men."

Mrs. Porter agrees: "When we send a woman overseas she goes as a woman, not as a politician. Women around the world have a bond deeper than politics. Despite cultural differences women have much in common."

Finland's Helvi Sipila, who is in the midst of international problems in her role as a U.N. Assistant Secretary General for Social Development and Humanitarian Affairs, looks at this issue and calls it tragic that more women are not involved.

"The critical problems that confront the world today—including shortages of food and fuel, out-of-control inflation and a general deterioration in conditions of daily life—often bear down especially hard on women. Thus it is particularly ironic that women are still largely denied the right and the opportunity to play a full role in dealing with these problems. Considering the waste of talent and energy involved, that is a truly tragic paradox for the whole human race."

It is this paradox that the women of the world

In Uganda, the wife and child of a farmhand on the Acholi Ranch are being helped b[illegible] agricultural aid project.

Photo courtesy of the United Nations.

will be dealing with when they meet again for a second World Conference of Women in 1980.

This second conference has been called for by the United Nations to "review and evaluate the progress made in implementing" the World Plan of Action agreed upon at the the IWY Conference in Mexico City in June 1975.

The General Assembly, at its 30th session, in accepting the World Plan of Action also adopted resolutions calling on both individual nations and members of the U.N. family, especially the Secretary General, to act on the recommendations of the World Plan. (See Part VI.)

The United Nations designated 1976–85 as the United Nations Decade for Women, and it authorized the creation of an Institute for Research and Training for the Advancement of Women. Succeeding General Assemblies are asked to review the progress achieved in promoting full equality for women.

As the Center of Concern in Washington, D.C. points out,[3] the potential for change embodied in these resolutions must be examined carefully. Among factors the center cites:

> "The full and equal integration of women into all aspects of societal life is not a high priority for the United Nations. This fact accurately reflects the reality that there are few nations in which the full and equal integration of women into decision-making and similar positions of influence is a goal of present power holders. Other concerns, the pace of development, agricultural output, domestic order, etc., are much more pressing.
>
> "Policy-makers at the United Nations, the majority of them men, hold these same views. They see little if any connection between the claim of women that they have a significant role to play in their countries' lives which should be supported and the need, for example, to increase food production in Asia and Africa.
>
> "U.N. leadership is deeply skeptical of the assertion that the process of creating a new world order must have significant input from women if in fact that order is to lead to a just, humanly developed world.
>
> "More often, looking at the numerous crises facing the world, these men judge the Women's Movement to be the current plaything of a minority of Western or Western-oriented, affluent women, a distraction rather than a real issue.
>
> "Some among the male leadership do recognize that women throughout the world bear heavy burdens. They believe that when other problems are solved, the lives of women will automatically be better. Many of these same men also continue to believe that women are limited, probably inferior persons. Thus, the changes in women's living conditions that they predict do not necessarily include women being accepted as equal to men in personhood or as having functions other than those of wife and mother . . ."

Women of the United States will have an unusual opportunity to inform themselves and to make their views heard, on these international problems, as well as national problems, in a series of State and territorial conferences that will culminate in a national conference in 1977. These conferences set up under Public Law 94–167 (see Part VI) will identify the special problems and needs of women in every station of life.

As the Center of Concern says:[4]

> "It is . . . essential that global issues be included on the local and national programs. The conferences present an ideal opportunity for women to identify links between their own

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[3] Memorandum 4, Apr. 1976; Center of Concern, 3700 13th St., NE. Wash., D.C. 20017.

[4] *Ibid.*

In India, a teacher talks with village inhabitants about their attitudes on family planning.

Photo courtesy of the United Nations.

> "When we examine the relationship of Jesus to women, we realize that he at all times and all places regarded them as fully human beings just like anyone else . . . He disregarded the social customs of his times in order to show that a new heaven and a new earth were dawning upon history."
>
> The Rev. Eva Zabolai-Czekme
> of Geneva,
> at the 5th Assembly of the
> World Council of Churches
> in Nairobi, Kenya,
> November, 1975

domestic concerns and those of a global nature. This concrete exploring of linkages and the meaning of interdependence will facilitate women's active participation in the structuring of a more human world.

"U.S. women, like women elsewhere, are uninformed about global issues and the implications of international policies, especially as they relate to women. Most women have not been given the resources to see the relationships that exist between many domestic concerns and world-wide problems. As a result they remain uninvolved and the values, interests, and insights they could bring to issues are marginalized . . ."

Since the State and national conferences will include women from low-income, diverse racial, ethnic, and religious groups, there will be an opportunity to involve women who could be America's best communicators with the women of underdeveloped countries.

However, occasions will have to be created so that such women can participate in cross-cultural international exchange.

It is expected that the conferences will also provide a kind of town-meeting forum in which women will not only inform themselves but will initiate action. And that this action will lead inevitably to change for the betterment of humankind.

Thus American women will be taking advantage of the unique system the United States provides, a system that is responsive to the needs of a responsible citizenry.

As the first functions of the National Commission on the Observance of International Women's Year come to a close with the publication of this report, members of the Commission view the next century of American life as a great opportunity to achieve constructive change.

A few years back a U.S. leader[5] pointed out that women have a way of moving from the general to the particular, from the abstract to the tangible, and that this talent could be applied to public affairs. Women are skeptical, he said, about the artificial and dangerous games they suspect men play and they are deeply interested "in the building of a decent world order, in arrangements which could make life tolerable for individuals and families, homes and local communities."

Will women make this appraisal a reality during America's Third Century? The fact that women might participate more fully in national and global decisions does not guarantee that these decisions will be upgraded and improved. But it could.

There are critical choices to be made. And the Commission believes that women in the United States and in the world can, if they will, change the course of history for "a more perfect union" and a better world.

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[5] Speech by Secretary of State Dean Rusk, 1961.

PART IV

The National Commission on the Observance of IWY

Executive Order Creating the Commission, As Amended

THE WHITE HOUSE

Executive Order

Establishing a National Commission on the Observance of International Women's Year, 1975

There is increasing recognition of, and interest in, the contributions of women to the national life of this country in all its important aspects—cultural, political, economic, and social. Significant progress continues in advancing the rights and responsibilities of women, in opening new opportunities, and in overcoming political, legal, social, and economic handicaps to which women have long been subject. Americans must now deal with those inequities that still linger as barriers to the full participation of women in our Nation's life. We must also support and strengthen the laws that prohibit discrimination based on sex.

The United Nations General Assembly, by proclaiming 1975 as International Women's Year, has offered us an exceptional opportunity to focus attention throughout the country on the rights and responsibilities of women. Presidential Proclamation No. 4262 of January 30, 1974, called upon the Congress and the people of the United States, interested groups and organizations, officials of the Federal Government and of State and local governments, educational institutions, and all others who can be of help to provide for the national observance of International Women's Year with practical and constructive measures for the advancement of women in the United States.

I have now determined that it would be in the public interest to establish a National Commission on the Observance of International Women's Year, 1975.

Now, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered:

SECTION 1. *Establishment of a National Commission.*

(a) There is hereby established a National Commission on the Observance of International Women's Year, 1975.

(b) The Commission shall consist of not more than 35 members to be appointed by the

President from among citizens in private life. The President shall designate the presiding officer, who may designate from among the members of the Commission as many vice presiding officers as necessary.

(c) The President of the Senate and the Speaker of the House of Representatives are invited to designate two Members of each House to serve on the Commission.

(d) The members of the Commission shall serve without compensation, but shall be entitled to receive travel expenses, including per diem, in lieu of subsistence as authorized by law (5 U.S.C. 5703).

SEC. 2. *Functions of the Commission.* (a) The Commission shall promote the national observance in the United States of International Women's Year. To this end, it will focus attention on the need to encourage appropriate and relevant cooperative activity in the field of women's rights and responsibilities.

(b) The Commission shall take as its action agenda the relevant parts of the resolution adopted by the United Nations General Assembly proclaiming 1975 as International Women's Year:

(1) To promote equality between men and women.

(2) To ensure the full integration of women in the total development effort, especially by emphasizing women's responsibility and important role in economic, social and cultural development at the national, regional and international levels, particularly during the Second United Nations Development Decade.

(3) To recognize the importance of women's increasing contribution to the development of friendly relations and cooperation among States and to the strengthening of world peace.

(c) The Commission shall keep itself informed of activities undertaken or planned by various organizations and groups in the United States in observance of the Year and shall consult with such groups including the United States Center for International Women's Year.

(d) The Commission shall encourage the public and private sectors to set forth objectives to be achieved as part of the program observing International Women's Year, as provided in the Presidential Proclamation.

(e) The Commission shall, through close liaison with appropriate Government agencies and their public advisory committees, keep itself informed about and make known to the public all major programs and special efforts during International Women's Year which are supported by those agencies.

(f) The Commission shall hold meetings at such times and places as the presiding officer shall determine. It may assemble and disseminate information, issue reports and other publications and conduct such other activities as it may deem appropriate to provide for effective participation of the United States in the domestic observance of International Women's Year.

(g) The Commission may establish, within the limits of available funds, such subcommittees or working groups as may be necessary for the fulfillment of its tasks. The membership may include persons not members of the Commission.

(h) The Commission shall conclude its work by the end of the year 1975 and make a report to the President within thirty days thereafter. The Commission shall then be terminated.

SEC. 3. *Assistance and Cooperation.* (a) The Commission may request any agency of the Executive branch of the Government to furnish it with such information, advice, and services as may be useful for the fulfillment of the Commission's functions under this Order.

(b) The agencies of the Executive branch are authorized, to the extent permitted by law, to provide the Commission with administrative services, information, facilities and funds necessary for its activities.

(c) The Commission may procure, subject to the availability of funds, the temporary professional services of individuals to assist in its work, in accordance with the provisions of Section 3109 of Title 5 of the United States Code.

Mrs. Betty Ford congratulates the President after he signed the Executive Order creating the National Commission on the Observance of International Women's Year.

SEC. 4. *Responsibilities of Government Departments.* Each agency of the Executive branch shall designate at least two persons, preferably a man and a woman, to be responsible for planning and implementation of projects and programs within such departments and agencies for the domestic observance of International Women's Year. Persons so designated shall constitute membership of an interdepartmental task force for International Women's Year. The Department of State shall designate the presiding officer. The task force will coordinate the activities undertaken by the Executive branch of the United States Government as well as those undertaken by the Commission in the domestic observance of International Women's Year.

GERALD R. FORD

THE WHITE HOUSE,
January 9, 1975

THE WHITE HOUSE

Executive Order

Amending Executive Order No. 11832 of January 9, 1975, To Extend the Existence of the National Commission on the Observance of International Women's Year, 1975

By virtue of the authority vested in me by the Constitution and the statutes of the United States of America, including Section 204 of the Supplemental Appropriations Act, 1975 (P.L. 93–554, 88 Stat. 1784) and the State Department appropriations act for 1976 (P.L. 94–121), and as President of the United States of America, Section 2(h) of Executive Order No. 11832 of January 9, 1975, is hereby amended to read as follows:

> "The Commission shall, to the extent funds are available, continue its work through June 30, 1976, and shall submit a final report on its activities to the President within thirty days thereafter, at which time the Commission shall terminate."

GERALD R. FORD

THE WHITE HOUSE,
November 25, 1975

How the Commission Went About Its Work

To give readers a picture of how a national commission goes about its work, there follows a description of the manner in which the National Commission on the Observance of International Women's Year carried out its task.

First, it may be said that the Commission understood the serious nature of its assignment. Thirty-five private citizens appointed by President Ford and four Congressional members (two named by the House and two by the Senate) labored for 12 months to create realistic recommendations which aimed at eliminating the barriers that continue to face American women.

A second way to describe the Commission is to say that the members held strong and divergent views. Their biographies on the following pages will show the variety of business, professional, geographic, age, racial, and ethnic backgrounds from which they came. Yet they were committed to reconciling their differences.

Since the National Commission was created in response to the designation by the United Nations of International Women's Year, the Department of State offered space and some assistance to facilitate the work of the Commission. The IWY Secretariat, the staff which carried on the day-by-day activities of the Commission, also was housed in the State Department.

All meetings of the Commission were open to the public, and all sessions were recorded. Commission members met monthly, contributing their time, a not inconsequential gift, since meetings generally were 2 days long, plus travel time.

In addition to the Commission meetings, members also participated in committee work. The 13 committees met at least once a month, sometimes more often. To these sessions, a series of experts brought their views of research on sex barriers. Especially moving were the women who testified to their personal experiences of hardship and lack of opportunity simply because they are female. Minority women, blacks, Indians, Asian-Americans, Hispanic-Americans all told of double and triple burdens. Some of the committees also commissioned original research when data was not available on specific problems.

Working in an atmosphere of sensitivity to the differing viewpoints of all Americans, the committees surveyed and assessed evidence and debated and refined the texts of their recommendations, which were subsequently presented to the Commission as a whole.

Altogether, the Commission is making over 100 recommendations; these are stated in full and accompanied by a limited amount of background material in Part V. These recommendations are submitted to the President and the American people in the firm belief that their implementation will help "to form a more perfect union" in the United States, as the Constitution promises.

The Commission Members

Jill Ruckelshaus

(Washington, D.C.)

Former Special Assistant to Anne L. Armstrong, Counsellor to the President; former Director of Organizational Relations, National Center for Voluntary Action; Director of Kenyon College and Mt. Vernon College; National Women's Political Caucus Advisory Committee; graduate of Indiana University; married to William D. Ruckelshaus and mother of five children.

Alan Alda

(New York City)

Actor, writer, director, and star of the television series "MASH"; created, wrote, and coproduced the CBS family comedy series "We'll Get By." An active feminist, he has campaigned in several States for the Equal Rights Amendment.

Jill Ruckelshaus, Presiding Officer, with her five children

Alan Alda
Photo by Arlene Alda.

Ethel D. Allen

(Philadelphia)

Physician and surgeon; city councilwoman; specialist in urban affairs; staunch advocate of women's rights; civil rights activist; named by *Esquire* magazine as one of 12 most promising female politicians; oftentimes Presidential appointee to boards and commissions; spirited orator; compassionate and personable.

Anne L. Armstrong

(Armstrong, Texas)

American Ambassador to Great Britain, former Counsellor to the President, Cabinet member from February 1973 to December 1974. In 1971 she was the first woman to be elected to the position of co-chairman of the Republican National Committee.

Margaret Long Arnold

(Saugerties on Hudson, New York)

Past and honorary president, General Federation of Women's Clubs; founder, Outstanding Young Women of America; chair, New Hampshire Council on Problems of Aging, promoted Museum of Immigration; Operation Alphabet; presided over three international conferences; currently, Special Assistant to the Executive Director for Women's Activities, NRTA–AARP.

Ethel D. Allen

Anne L. Armstrong

Margaret Long Arnold

Elizabeth Athanasakos

Barbara R. Bergmann

Patricia T. Carbine

Elizabeth Athanasakos

(Fort Lauderdale, Florida)

Practicing attorney and former Municipal Judge; served in other women's rights activities including 1969–70 President's Task Force on Women's Rights and Responsibilities and 1972–74 chair of the HEW Secretary's Advisory Committee on Women; Past Grand President of the Daughters of Penelope.

Barbara R. Bergmann

(Bethesda, Maryland)

Economist; Professor of Economics, University of Maryland; author of numerous articles on computer simulation, unemployment, transportation, and default, and on the economic impact of discrimination against women and blacks; consultant to government agencies and private foundations.

Patricia T. Carbine

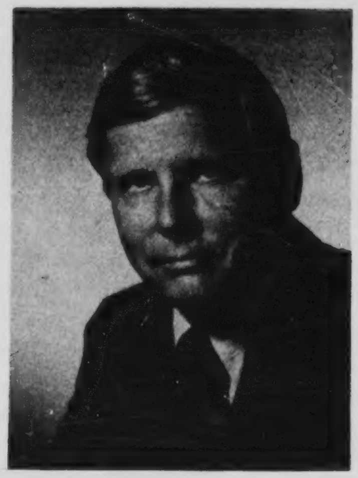
(New York City)

Executive editor of *Look* magazine (1969), editor of *McCalls* (1970), and currently publisher and editor-in-chief of *Ms.*; member of the Board of Directors of the Magazine Publishers Association and the Board of the Advertising Council.

Weston Christopherson

(Lake Forest, Illinois)

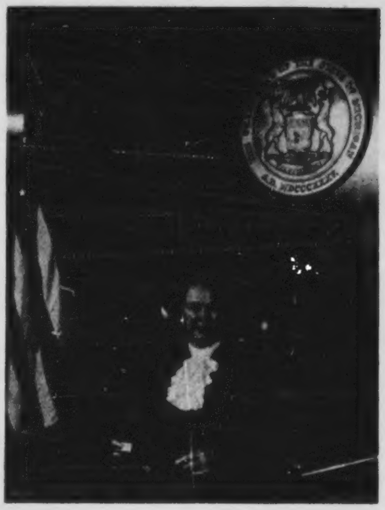
President, Jewel Companies, Inc., large diversified retailer with 11 U.S. companies and major investment in Mexico retailing. (Several officers and directors of Jewel are female, and in other respects Jewel is regarded as an industry leader.) Trustee of University of Chicago and several other civic and corporate boards.


Weston Christopherson

Mary Stallings Coleman

(Battle Creek, Michigan)

Only woman elected Justice, Michigan Supreme Court; active on State and national levels in advancement of juvenile justice, drug abuse, crime prevention, and criminal law; frequent lecturer; active in civic affairs. Husband, circuit judge; two professional daughters (M.D.'s); three grandchildren.


Mary Stallings Coleman

Audrey Rowe Colom

(Washington, D.C.)

President of National Women's Political Caucus—1975; Secretary's Advisory Committee on Women—Department of Labor; Children's Defense Fund; former special assistant to the National Welfare Rights Organization. Active on numerous boards, civic associations, and professional organizations.

Audrey Rowe Colom

Helen K. Copley

Helen K. Copley

(La Jolla, California)

Chairman and chief executive officer of corporation publishing Copley Newspapers; publisher, the *San Diego Union* and *Evening Tribune;* director—Inter-American Press Association, Newspaper Advertising Bureau, Inc., California Chamber of Commerce, Scripps Clinic and Research Foundation, Wells Fargo Bank, Freedom Foundation at Valley Forge.

Richard Cornuelle

Richard Cornuelle

(New York City)

Writer of social theory. His books include *Reclaiming the American Dream* and, more recently, *De-Managing America* in which he treats the women's movement as a principal example of unmanaged social change. He has two daughters and a son.

Winfield C. Dunn

Winfield C. Dunn

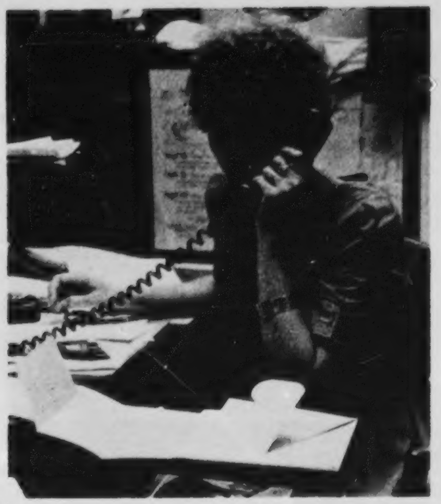
(Nashville, Tennessee)

Governor of Tennessee, 1971–75. The Dunns, including wife Betty, son Charles, and daughters Gayle and Julie, now reside in Nashville. Governor Dunn serves a number of companies as consultant and corporate director.

Casey Eike

(Lawrence, Kansas)

An active feminist for a number of years, co-director of the Kansas Community Rape Prevention and Victim Support Project and an assistant to the Dean of Women at the University of Kansas; served as president of Intercollegiate Association of Women Students and delegate to White House Conference on Youth.



Casey Eike

Paula Gibson

(Four Lakes, Washington)

Oldest of five girls, at 19 she is the youngest member of the Commission. Past national treasurer and Washington State director of public relations for the Future Homemakers of America. Currently a National Merit Scholar at Gonzaga University, Spokane, Washington.

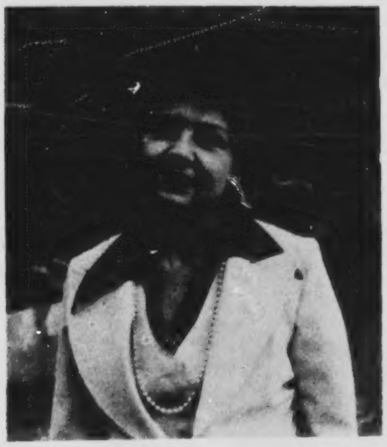
INTERNATIONAL
WOMEN'S
1975
YEAR

Paula Gibson

Gilda Bojorquez Gjurich

(Montebello, California)

Active in the private sector in southern California for over 20 years, primarily in the field of housing, general contracting, and other elements of the construction and development industry.



Gilda Bojorquez Gjurich

Ella T. Grasso

Ella T. Grasso

(Windsor Locks, Connecticut)

Governor, State of Connecticut, 1975–; Member, U.S. House of Representatives, 1970–74; Secretary of the State of Connecticut, 1958–70; Member, Connecticut House of Representatives, 1953 and 1955 sessions. Active in numerous civic, cultural, and church affairs.

Hanna Holborn Gray

Hanna Holborn Gray

(New Haven, Connecticut)

Since 1974, Provost of Yale University. Also professor of history, with major interests (teaching and research) in the Age of the Renaissance and Reformation in Western Europe.

Martha Griffiths

Martha W. Griffiths

(Farmington Hills, Michigan)

Member of the law firm, Griffiths & Griffiths, Farmington Hills, Michigan; Member of Congress, 1955–75.

Katharine Hepburn

(New York City)

Actress in motion pictures, stage, television; Academy Awards, 1968, 1969.

Lenore Hershey

(New York City)

Editor-in-chief, *Ladies' Home Journal;* writer, community leader, creator and executive producer of the annual "Women of the Year" TV show, based on Journal awards to women of achievement; former member, President's Advisory Commission on the Economic Role of Women.

Velma Murphy Hill

(New York City)

Vice President of the American Federation of Teachers; assistant to the president of the United Federation of Teachers; member of the New York Commission on the Status of Women; chair of the Paraprofessional Division of the UFT; U.S. Labor Delegate to the International Labor Organization Convention (ILO) in Geneva, Switzerland, 1975.

Katharine Hepburn

Lenore Hershey

Velma Murphy Hill

Patricia Hutar

Patricia Hutar

(Glenview, Illinois)

President, National Federation of Republican Women; U.S. Representative, United Nations Commission on the Status of Women; former assistant chairman of Republican National Committee; married to Laddie F. Hutar and has a daughter, Elizabeth, and a son, John.

Rita Zimmer Johnston

Rita Zimmer Johnston

(Bethesda, Maryland)

Since July 1973, delegate of the United States to Inter-American Commission of Women; elected vice-president September 1974; reorganized U.S. Committee of Cooperation, Hemispheric Congress, and successfully worked for ratification of political convention; chairs IACW committees on IWY, seminars and courses, Fair Treatment of Women in Organization of American States.

Ellen Groves Kirby

Ellen Groves Kirby

(Petersburg, West Virginia)

Deeply concerned with the needs of people, she serves a rural county in West Virginia as their only school health nurse and public health nurse; wife and mother, active in many civic and professional organizations.

Dorothy Vale Kissinger

(Mesa, Arizona)

Managing owner with husband of Arizona's Sahuaro Lake Guest Ranch; vice moderator United Presbyterian Church, U.S.A.; president, Soroptimist International of the Americas, largest women's classified service organization.

Dorothy Vale Kissinger

Clare Boothe Luce

(Honolulu, Hawaii)

Author; playwright; former Member of Congress from Connecticut and former Ambassador to Italy; currently serving on a number of boards in Washington, Chicago, and Hawaii; member of the President's Foreign Intelligence Advisory Board and the White House Preservation Committee.

Clare Boothe Luce
Photo courtesy
U.S. News & World Report.

William Crawford Mercer

(Wellesley Hills, Massachusetts)

President, New England Telephone and Telegraph Company, which has an active Affirmative Action Program to advance opportunities for women; holds directorships and trusteeships in a number of business, educational, and civic institutions in the New England area; served on the President's Task Force on Women's Rights and Responsibilities, 1969–70.

William Crawford Mercer

Ersa Hines Poston

Ersa Hines Poston

(Loundonville, New York)

Commissioner and past president, New York State Civil Service Commission. Her voluntary and public service career includes local, State, national, and international assignments as a professionally trained social worker and experienced public administrator.

Sister Joel Read

Sister Joel Read

(Milwaukee, Wisconsin)

President, Alverno College, a women's college in Milwaukee, Wisconsin, which has pioneered one of the most advanced learning systems in the country. She is concerned with assisting women to achieve the life they want and finding ways to do so within the context of a world that sets few limits for the individual while increasing the hurdles in exponential fashion.

Betty L. Smith

Betty L. Smith

(Eugene, Oregon)

An active community volunteer, wife and mother of two teenagers; served YMCA as a national board member; president of the Pacific Regional Assembly and local board president. Voluntarism and affirmative action programs, plus the involvement of women at all levels of the YMCA are major concerns.

Mary Louise Smith

(Des Moines, Iowa)

Chair of the Republican National Committee, is a grassroots Republican who has risen through party ranks, first in her native Iowa and now nationally. She is a lifelong advocate of women's rights.

Annie Dodge Wauneka

(Ganado, Arizona)

Only woman member on the Navajo Tribal Council; daughter of the last chief of the Navajo Nation; active in national and regional Indian affairs.

Gerridee Wheeler

(Bismarck, North Dakota)

Immediate past president of the National Association for Mental Health; a homemaker, wife, mother of eight children; her interests include better health care, mental and physical, for all women.

Mary Louise Smith

Annie Dodge Wauneka

Gerridee Wheeler

Senator Birch Bayh

Senator Charles Percy

Senator Birch Bayh

(D., Indiana)

Senator from Indiana since 1962; served 8 years in the Indiana Legislature; authored and guided through the Senate the 25th and 26th Constitutional Amendments and sponsored the 27th Amendment, E.R.A., now pending ratification.

Senator Charles H. Percy

(R., Illinois)

Senator Percy is active in the fields of economics, foreign relations, consumerism, and the aged; authored legislation to assure equality for women in education, foreign assistance, and government administration overall; was a delegate to the 1975 IWY Conference.

Representative Bella S. Abzug

(D., New York)

B.A. Hunter College, L.L.B. Columbia Law School. Practicing attorney for 23 years; elected to Congress 1970; organized and led lobbies for peace, an end to the Viet-Nam war; active in labor law, civil liberties, and women's rights cases.

Representative Margaret M. Heckler

(R., Massachusetts)

Elected in 1966; represents 10th District of Massachusetts; serves on Joint Economic Committee, Agriculture Committee and Veterans Affairs Committee (the only woman on each committee); leader in passage of E.R.A., Equal Credit Law, and key legislation on environment, energy, consumer protection, education, and child care.

Representative Bella Abzug

Representative Margaret Heckler

PART V

The Recommendations

Arts and Humanities Committee[1]

Blind Judging of Candidates for Awards, Fellowships, Exhibitions, and Employment[2]

The IWY Commission recommends:

1. To all judging agencies in the field of music that blind auditions be held for all musician candidates, including singers, in appraising the merit of candidates for employment, awards, and fellowships.

2. To all judging agencies or review boards in the humanities and arts that they conduct blind reviews of all articles and papers presented for review for publication or delivery, and of all grant and exhibition entry application forms and supporting documents submitted for review for awards, fellowships, and exhibitions.

Background

The committee makes the above recommendations in view of testimony presented to it that audition or preview panels judging candidates for awards, fellowships, exhibitions, publication, and employment may be influenced by the sex of the candidate.

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[1] IWY Commission members: Rita Z. Johnston, Chair. Other Commission members: Richard Cornuelle, Gilda Gjurich, Katharine Hepburn, and Lenore Hershey. Public members: Muriel Berman, President and Chair of the Board of Hess's, Inc. and member of Pennsylvania Council on the Arts; Kathryn F. Clarenbach, Associate Professor of Political Science and Chair of the Wisconsin Commission on the Status of Women; Ruth Fernandez, concert singer, Senator-at-Large of Ponce, Puerto Rico and Chair of Committee on Arts and Culture of Puerto Rican Senate; Jack Golodner, attorney, Executive Secretary of Council of AFL–CIO Union for Professional Employees, and Vice President of Board of Trustees of Ford's Theatre; Lillian Hellman, playwright; Alice Heyman, consultant; Margaret Mahoney, Vice President of Robert Wood Johnson Foundation, The Forrestal Center; Teixeira Nash, artist; and Joan Kaplan Davidson, Chair of the New York State Council on the Arts.

Committee Staff Director: Bernice Baer. Consultant: Jean Joyce.

The committee contracted with the American Symphony Orchestra League to do a study on American symphony orchestras, and with Vandegriff Research to do a study on women in the arts and humanities.

[2] Recommendation approved by Arts and Humanities Committee Dec. 18, 1975; by IWY Commission Jan. 16, 1976.

At the same time the committee commends those arts and humanities agencies and cultural institutions, such as the American Bach Foundation and Johann Sebastian Bach International Competitions, the Chicago Symphony Orchestra, and the National Symphony Orchestra, which have already initiated the above practices of blind auditions or review. The American Philological Association at its 1975 meetings in Washington, D.C. also chose papers to be read under an anonymous submission policy. Of the papers chosen 19.5 percent were by women—almost triple the percentage of 1973 (6.7 percent) whose authors' names were known to the program committee.[3]

Grants-in-Aid to Cultural Institutions[4]

The IWY Commission recommends that all government agencies considering grants-in-aid to cultural institutions require that the institution requesting an award (a) make assessments of the impact of such grants on the status of women in the institutions and (b), as necessary, include suitable provisions for assuring equal employment opportunities and affirmative action for women so that the grant will in no way diminish the relative position of women in the institution.

Background

The committee found that at least one government program—the Library Services Act of 1956, designed to strengthen and expand cultural institutions and upgrade their administration—has had the unintended and unforeseen effect of sharply reducing the number of women holding the top executive posts in State and public libraries. Excerpts from *Women in Librarianship,* by Anita R. Schiller, published in *Advances in Librarianship* 1974, follow:

> Few studies have examined the status of women in librarianship at any point in time, so comparisons from one time to another are difficulty at best. It is not unlikely that (the number of) women in top library positions reached a peak during the 1920's, although possibly even before . . . Yet it is quite clear that whatever it was at its high point, women's representation in certain key positions has diminished rapidly in recent years.
>
> In 1950, 50 percent of the deans and directors of accredited U.S. library schools were men. In 1970, the corresponding figure was 81 per cent. A similar trend is apparent among the journal editors of national library periodicals. In 1950, about one-half of the national library periodicals were edited by women. In 1971, the figure dropped to one-third. This shift has resulted in part from the introduction of new journals (e.g., the *Journal of Library Automation* and *Library Technology Reports* are edited by men).
>
> In the mid-sixties, all of the fifty largest academic libraries were headed by men, although there had been four women among the immediate predecessors in these fifty positions. The libraries of the elite women's colleges, traditionally directed by women, have been the scene of male take overs. Men librarians, for the first time in these institutions' history, stepped into the top positions at Barnard in 1967 and at Smith in 1968. [Note: Smith restored the post to a woman in 1973.]
>
> A few directorships in the top fifty academic libraries have been regained by women in the past few years, but appointments of women to these positions remain exceptional. As we have noted elsewhere the largest libraries are traditionally headed by men, and this pattern is being consolidated, not broken. Another report, covering a longer span of years, showed that in 1930, three-quarters (73 per cent) of the libraries in the nation's seventy-four largest academic institutions accredited by the American Association of Universities were headed by men. A check of these same institutions in 1967 found that 95 per cent of these libraries now had men directors.
>
> For the public libraries a similar story unfolds. Of the fifty largest public libraries, by number of volumes, forty-three of the directorships were held by men in the mid-sixties. Of the immediate predecessors in these positions, thirty-nine were men. [Other schools] have also reported on this trend in twenty-six large public libraries for the years 1969, 1950, and 1930.

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[3] Transactions of the American Philological Association, vol. 106, Spring 1976. Report on the Status of Women and Minority Groups.

[4] Recommendation approved by Arts and Humanities Committee Dec. 21, 1975; by the IWY Commission Jan. 16, 1976.

State librarians and heads of state library extension agencies are a group of top leadership positions where a particularly dramatic shift has occurred. The trend began to accelerate during the sixties, a few years after the passage of the Library Services Act. Thereafter, federal funds and matching grants from the states began to be disbursed to these agencies to strengthen public library development, and millions of dollars were added to their combined budgets. As these positions acquired greater responsibility and influence, they were increasingly assigned to men.

In 1950, a large majority (80 per cent) of the state librarians and state library agency directors were women. In 1959, women still held 76 per cent of these positions, but by 1970 they became the minority, when their representation dropped to 48 per cent. Although there were a few replacements of men by women in the fifty state offices during the past decade, the overall trend has persistently favored the men; the movement has been rapid and there is no sign of deceleration. While half of the fifty state library associations in 1970 had women presidents, as late as 1960 women held a two-thirds majority of these positions.

The evidence is overwhelming. Women are being systematically eliminated from leadership positions in an occupation in which they constitute four-fifths of the membership. The apparent irony is that the wipe-out rate began to accelerate as support for libraries increased. Whether, or how, women's positions will be affected by current reduction in library support is difficult to predict, but it would be most unfortunate if budget cuts, rather than affirmative action, turn out to be a decisive factor.

Insuring Equal Opportunities for Women in Federally Funded Programs[5]

The IWY Commission recommends that the President:

1. Issue an Executive order which states that no person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

2. Direct that each Federal department and agency empowered to extend Federal financial assistance to any program or activity (a) shall be responsible for enforcing that prohibition simultaneously with its enforcement of title VI of the Civil Rights Act of 1964 and (b) shall issue, within 180 days, regulations approved by the President implementing the Executive order.[6]

Background

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color, or national origin in federally assisted programs. Federal assistance covered by Title VI includes grants and loans; donations of equipment and property; detail of Federal personnel; sale of, lease of, or permission to use Federal property for nominal consideration; and any other arrangement by which Federal benefits are provided. Title VI does not ban sex discrimination[7] and no statute or Executive order provides the same broad prohibition of sex discrimination as title VI provides against discrimination on the grounds of race, color, or national origin.

The Congress has, however, in recent years included prohibitions of sex discrimination both under new Federal programs and, by amendment, under existing programs. Although these laws cover a wide spectrum of Federal programs (including, for example, elementary, secondary, and higher education; water pollution; public works development; law enforcement assistance; disaster assistance; and manpower training), not all Federal assistance programs are covered. The grants made by the National Endowments for the Arts and the Humanities are not covered by title VI nor by any other laws. This omission should be corrected. The Commission agrees with the Civil Rights Commission that the best way is through issuance of an Executive order.

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[5] Recommendation approved by Arts and Humanities Committee Jan. 7, 1976; by IWY Commission Jan. 16, 1976.

[6] "The Federal Civil Rights Enforcement Effort—1974," vol. VI, p. 804.

[7] The Civil Rights Act of 1964 bans discrimination on grounds of race, color, and national origin in a number of areas. For example, title II applies to places of public accommodation; title III covers public facilities; and title VII prohibits discrimination in employment. Sex discrimination, however, is prohibited only under title IV and title VII.

Such an Executive order has application beyond the scope of this committee, but the need has been well demonstrated by committee findings and by consultations with the Committee on Enforcement of the Laws.

Equalizing Representation of Women on Grant-Awarding Panels in Public and Private Agencies[8]

The IWY Commission recommends that the President:

1. Direct all Federal grant-making agencies:

a. To require that all their award-making boards, committees, and advisory panels be more equitably proportioned as to men and women members;

b. To seek actively more women applicants for grants, especially minority women;[9]

c. To review all grants and awards to assure that women are not given smaller stipends than men because of discriminatory patterns of pay in academic and other institutions; and

d. To publish annually names of persons on award panels.

2. Direct the Office of Management and Budget (OMB) to use fully its authority to require that all government-supported, award-making agencies actively seek out, if necessary, qualified women to achieve an equitable balance between men and women on review panels.

The IWY Commission recommends also that all grant-making private tax-exempt institutions, as a matter of simple justice, act promptly:

a. To make their grant-awarding panels more equitably balanced between men and women;

b. To stimulate more applications for grants from women;

c. To avoid sex discrimination in size of awards; and

d. To publish annually names of persons on award panels.

Background

The Federal Advisory Committee Act (Public Law 92-463) and Executive Order 11769, which list responsibilities for overall administration and guidance of advisory committee activities in the OMB, require the membership of an advisory committee to be fairly balanced in terms of points of view represented and of the functions to be performed. "Balanced membership" implies a wide range of membership possibilities and constraints depending upon the purpose of each committee. Implicit in this requirement is the concern that advisory committee membership be determined with appropriate attention to factors of sex, race, creed, national origin, and religion.

The following chart illustrates the makeup of panels of the Board of Scholarships, which handles the Fulbright program of international exchange for the State Department, and the

COMPARISON OF MALE-FEMALE REPRESENTATION ON GOVERNMENT GRANT-AWARDING PANELS

*Board of Foreign Scholarships (1976–77)**	*Total members*	*No. women*	*Percent women*
Scholars	143	19	19
Students	99	29	29
Arts students only	48	14	39
National Endowment for the Arts (FY–1974)			
All panels	297	67	23
Selected art panels (comparable to arts awards panels,** Board of Foreign Scholarships)	184	44	24
National Council only	26 (+1 chairman)	6	23
National Endowment for the Humanities (FY–1974)			
All panels	425	64	15
Fellowships	252	30	12
Research	29	4	14
Youth grants	23	7	30
National Council	26	4	15

*Rough, informal hand-count from lists submitted by the Board.

**Architecture, music, visual arts, dance.

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[8] Recommendations approved by Arts and Humanities Committee Dec. 23, 1975; by IWY Commission Jan. 16, 1976.

[9] The term minorities is understood to include blacks, American Indians, Oriental-Americans, and women of Hispanic origin.

Endowments for the Arts and the Humanities. The members of the Board of Scholarships and of the National Councils for each of the Endowments are appointed by the President. Other panels under the Endowments may be appointed by the chairs of those organizations.

Testimony from the National Endowments for the Arts and the Humanities shows that in many fields far fewer women than men apply for grants.

In the Humanities. Women comprised 14.7 percent of all fellowship applicants in 1971–72; 15.7 percent in 1972–73; 15.6 percent in 1973–74; and 19.8 percent in 1974–75.

In the Arts. Women comprised 35 percent of all applicants for arts fellowships, although for some grants a higher proportion of women applied (e.g., 43 percent women applicants for printmakers' grants; 49 percent for art critics' grants; 43 percent for craftsmen's grants); and in others markedly lower proportions, e.g., photography, 20 percent women applicants; literature, 26 percent.

Both Endowments showed that the proportions of grants awarded closely paralleled the proportion of grants applied for.

Further, both Endowments said that no special effort had been made to encourage women applicants, but indicated they were willing to do so through professional women's organizations, women's media, etc.

In its testimony before the committee, the National Endowment for the Humanities stated that for its important senior fellowship program, the dollar amount of the fellowship was based on the salary level of the recipient. Thus, women academicians, who traditionally receive lower annual earnings than their male colleagues, are awarded smaller fellowships from the National Endowment for the Humanities than their male colleagues.

This practice was questioned by the committee at the hearing, with a committee member saying,

> "Public moneys simply must not be given on the basis of whatever discriminatory practices there are . . . It would seem a rather simple proposition for the Endowment to change its ground rules and say that we will not pay less to a person because that person is female or is a minority person, even though their applying institution does have a distinction. It doesn't seem to me that that's too difficult to do, to change the ground rules."

In reply the Endowment spokesman said:

> "Certainly it is within the administrative powers of the Endowment to say, when we have decided, by our panels and council, that on merit somebody deserves a fellowship that he or she should get a fixed amount regardless of what an institution has paid . . . You're absolutely right in pointing to that area in which even an agency like the Endowment can work directly to redress this imbalance."

Women in Prime-Time TV Roles, TV Commercials, and TV Production[10]

The IWY Commission recommends that the Equal Employment Opportunity Commission (EEOC) make full use of its authority, under section 707 of title VII of the Civil Rights Act, to identify and attack patterns and practices of discrimination among major employers in commercial TV broadcasting and among commercial TV industry clients and their advertising sponsors.

Background

The committee found that in commercial TV broadcasting women are markedly underrepresented. Screen Actors Guild studies show that over 71 percent of all prime-time roles are male, and that 68 percent of all performers in average commercials are men.

The EEOC under title VII of the 1964 Civil Rights Act has the authority not only to investigate individuals' complaints but also to challenge on its own initiative broad institutional practices of discrimination. Section 707 of title VII, which gives EEOC the latter authority, has been used relatively infrequently. The U.S. Commission on Civil Rights has urged the EEOC to institute more litigation under section 707 because such a strategy would permit the agency to focus on certain industries.[11]

The precedent of the EEOC's case against A.T.&T. (a regulatee of the Federal Communications Commission) should however be applied to the communications industry. As of January 1976, the EEOC has filed only two lawsuits against a broadcast station.[12] This record should be changed.

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[10] Recommendation approved by Arts and Humanities Committee Jan. 7, 1976; by IWY Commission Jan. 16, 1976.

[11] *The Federal Civil Rights Enforcement Effort—1974*, vol. V—To Eliminate Employment Discrimination. A Report of the U.S. Commission on Civil Rights, July 1975, p. 543.

Following are excerpts from *Screen Actors Guild Survey, February 1974*, cited above:

> In a nationwide survey of public attitudes about television, a random cross section of American viewers has expressed a strong desire for positive changes in programming.
>
> A questionnaire compiled by the Women's Conference Committee of the Screen Actors' Guild was sent to more than 300 newspapers throughout the country. Nearly 9,000 reader-viewers responded. An additional 1,400 questionnaires of the same type were compiled through personal interviews in the Southern California area. The responses to the latter generally followed the pattern of the newspaper survey.
>
> 67.4 per cent of all respondents said they would like to see women appearing on TV in positions of authority; for example, actresses portraying women in professions (86.3 per cent); as spokeswomen for national products (72.7 per cent); and as hosts of talk shows and children's programs (81.4 per cent).
>
> 63.4 per cent said they would like to see more women in leading roles on TV programs other than comedies, variety and talk shows. The percentage of positive responses to this question was notably higher among teachers (77.8 per cent), college graduates (75.7 per cent), and those in the 25–35 age group (78.4 per cent).
>
> The need for change in TV representation of women and minorities is also dramatically illustrated by the results of the monitoring of a typical month of prime-time programming of all three networks. On the average, 71.5 per cent of the roles were male and 28.5 per cent female.

Appointment of Women to Decisionmaking Posts in Cultural Institutions[13]

The IWY Commission recommends (1) that, as appropriate, State Governors, State Commissions on the Status of Women, local chief executives, and local women's groups take action to insure more equitable women's representation in managerial, administrative, and policymaking posts in local cultural institutions; further, (2) that local women's groups serve as monitors and, as necessary, sponsors of equitable appointment of women to such posts in their local cultural institutions.

Background

The Committee found repeatedly in its investigation that women are not represented equitably in managerial, administrative, and decisionmaking posts in cultural institutions.

Fifty percent of the women professionals newly hired by museums in 1973 and 1974 earned salaries 20 percent below starting salaries of men. Half of the women professionals hired by museums in 1973 and 1974 started at salaries lower than $10,000; 58 percent of the men hired during the same period earned starting salaries of over $12,500. The average salary for newly hired men in all the museums was $14,000; for women, $11,120. Only 62 percent of the men newly employed had previous museum employment, but 67 percent of the women had such experience.[14]

The table[15] below shows how few women are employed in managerial positions in public broadcasting.

PERCENT OF WOMEN EMPLOYED IN MANAGERIAL POSITIONS—1974

Position	*TV*	*Radio*	*Joint facility*
General Manager	3	4	0
Station Manager	2	12	8
Operations Manager	7	19	10
Program Manager	13	17	0
Production Manager	5	5	0
Business Manager	45	82	24
Chief Engineer	0	0	0

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[12] *EEOC* v. *Storz Bdcstg. Co. (WQAM-radio)* S.D. Fla. CA 75–1853 Civ., filed Sept. 8, 1975. *EEOC* v. *American Public Life Bdcstg. Co. (WAPT-TV)* S.D. Miss. CA J–75–199 (R), filed Dec. 26, 1975.

[13] Recommendation approved by Arts and Humanities Committee Jan. 7, 1976; by IWY Commission Jan. 16, 1976.

[14] Excerpted from an "exploratory" study prepared for the Arts and Humanities Committee by Vandegriff Research, 1976.

[15] Source: *Report on Task Force on Women in Public Broadcasting*, Corporation for Public Broadcasting, Caroline Isber and Muriel Cantor, coauthors, Oct. 8, 1975, p. 38.

Equalizing Opportunities for Women Museum Professionals[16]

The IWY Commission recommends that:

1. The American Association of Museums encourages its member institutions to keep records, by sex, of job applicants, of starting salaries, and of newly appointed paid professional staff; and to write such standards for recordkeeping into its accreditation requirements.

2. Museums requesting Federal grants for professional staff training be required (a) to keep personnel records by sex and (b) to furnish their plans for developing women professionals equally with men. The major endowing organizations to be affected by this recommendation are the National Endowment for the Arts, the National Endowment for the Humanities, the National Science Foundation, and the National Museum Act Grants Administration.

3. All museums follow the lead of the National Museum Act Grants Administration in recording all grants—applied for, received, and denied—by sex of the principal investigator or project director.

Background

Of the 27 museums which answered a museum survey questionnaire, 12 had records of newly appointed paid professional staff by sex (since January 1, 1973), only 8 had records of job applicants by sex, and 15 out of 26 kept records of starting salaries of new staff by sex. In order to effectively carry out affirmative action employment programs, all museums need to maintain such records.

There is nothing in the handbook on museum accreditation about recordkeeping. (Marilyn J. Hicks, Museum Accreditation: *A Report to The Profession*. Washington, D.C., American Association of Museums, 1975.)

Of the 22 museums which received Federal grants in the period January 1, 1973, to June 30, 1975, 7 kept no such records in 1973, 6 in 1974, and 3 in 1975.[17]

IWY Commission Recommendation Based on Report of the Task Force on Women in Public Broadcasting, Submitted to the Board of Directors, Corporation for Public Broadcasting (CPB), October 8, 1975[18]

PREFACE

The committee considered the report of the Task Force on Women in Public Broadcasting, a group set up by the CPB, and noted that the CPB Board of Directors had taken the following actions after reviewing the task force report:

- Unanimously resolved to direct the CPB management to review the task force's programming policy recommendations and to act on those recommendations that will assure a diverse, representative, and balanced image of women in all CPB-funded programs.
- Directed management to review the task force's recommendations on employment, and to carry out those that will help remedy the underutilization of women in public broadcasting; and
- Directed the CPB management to report, within 3 months and annually thereafter, on what it has done and plans to do to carry out the CPB board's directions derived from the task force report.

RECOMMENDATION

The IWY Commission commends the CPB's resolve to remedy the "pervasive underrepre-

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[16] Recommendation approved by Arts and Humanities Committee Jan. 7, 1976; by IWY Commission Jan. 16, 1976.

[17] Excerpts from an "exploratory" study by Vandegriff Research, *op. cit.*

[18] Recommendation approved by Arts and Humanities Committee Dec. 4, 1975; by IWY Commission Dec. 5, 1975.

sentation of women," both in employment and in program content of public radio and TV. At the same time the Commission recommends that the President recommend to the Office of Management and Budget and to the Congress that a CPB statement on remedial steps actually taken and improvements actually achieved be submitted with CPB requests for appropriations for the next and all subsequent fiscal years. Further, the Commission recommends that CPB 5 years hence (1980) do a followup study that will demonstrate to the public the improvements made.

Background

The CPB Task Force study documents "pervasive" underrepresentation of women throughout the public broadcasting industry.

For example, after monitoring a week of public television programs, the task force discovered that women are not so much stereotyped as they are overlooked. Of 28 programs viewed in 1 week, 11 had no women participants, and only 1 program specifically addressed a "woman's issue."

Overall there are more women on public radio than on public television, but they are still underrepresented. For instance, narrators and announcers of public radio programs are likely to be male—80 percent in a week's listening compared to 10 percent female. Ten percent of the programs had both male and female announcers.

Women held slightly fewer than 30 percent of all jobs in public broadcasting. Women, it was further found, are not likely to hold top executive positions in public broadcasting stations. In 1975, 3 percent of all public television general managers were women, and 4 percent of all public radio general managers were women. Most women were found in secretarial or clerical positions.

The task force's report contains important recommendations on programming and employment and their implementation. Among the major recommendations are the following given in brief summary. CPB should:

- Give the highest priority to the integration of all women on an equal basis in programming;
- Recognize the importance of developing specific women's programs;
- Recognize the interrelationship of sex and race discrimination;
- Encourage the placement of women as hosts, cohosts, and guests in public affairs programs;
- Pay special attention in children's programming to encourage a balance of girls and boys and discourage role stereotyping in both real and imaginary characters;
- Search for and fund the performance of literary works which treat women fairly and equitably;
- Encourage the use of many more women as narrators and announcers in all appropriate programming; and to these ends
- Establish a continuing broad-based national and local monitoring system to assess the progress of the public radio and television systems in achieving fair treatment of women and men in broadcasting.

The task force found that employment of women in public broadcasting is highest at the lower levels of responsibility, lower at the middle levels, and extremely limited at the highest levels. Women make up slightly less than 30 percent of the public broadcasting work force but for a variety of reasons rarely are hired for, or promoted to, upper level positions. To increase the number of women in decisionmaking positions, the task force recommends, among other actions, that

- Public broadcasting should cooperatively explore ways to enlarge the pool of qualified candidates, with special emphasis on women because they are now underrepresented in public broadcasting;
- Upper level positions where possible be filled with existing lower level staff, with special emphasis on women;
- Monitoring of trends in the employment of women to assess the progress being made be continued;
- CPB encourage full implementation of the policy of equal pay for equal work; and
- CPB take a leadership role in structuring its staff to include a fair and equitable distribution of women in its upper level positions, and encourage National Public Radio and the Public Broadcasting System and

other broadcast entities to adopt a similar policy.

Committee Recommendations Not Acted Upon by the IWY Commission

Several recommendations adopted by the Committee on the Arts and Humanities could not be acted upon by the IWY Commission, because, under its rulings, it may consider only recommendations predominantly affecting women. The committee, however, so strongly felt the need for new actions to support the arts and humanities that it wishes to go on record as itself approving certain supportive measures. Below is a summary of the committee's recommendations:

1. The committee recommends that the President instruct the Internal Revenue Service and ask the Congress, as it considers basic income tax reforms, to adjust inequities in income taxes that inflict particular hardship on all artists—both men and women, but especially on women because they suffer lower earnings generally and other sex discriminations.

2. The committee recommends that the President ask Congress to change the copyright law (undergoing revision in late 1975) to extend copyright protection in the form of royalties to conductors, instrumentalists, and performing artists involved in recorded works—protections now accorded only to composers and lyricists. The committee recommends also that reproduction royalties be granted to authors, who now have no protection against unauthorized duplication of their works by fast-copying devices.

3. The committee recommends maximum authorized Federal funding for the National Endowments for the Arts and the Humanities; positive action by mayors and governors, in accordance with their already-adopted resolutions, to increase State and local support for the arts and art institutions; and augmented support of community art and cultural organizations by State and local women's groups, along with monitoring female representation in cultural institutions.

4. The committee recommends abandoning State and municipal admission taxes to cultural institutions receiving any government support.

5. The committee recommends that artists not be required to pay exhibition entry fees to any exhibit in cultural institutions receiving Federal, State, or local government support.

6. The committee recommends that governors and mayors, in accordance with their own resolutions adopted in national gatherings, act to require that a percentage of every State and municipal construction budget be allocated for purchase or commission of American works of art for public buildings.

Child Development Committee[19]

Child Development Legislation[20]

The IWY Commission asserts that the Federal Government should assume the major role in directing and providing for universal voluntary child development programs as a valuable service to parents, as essential to a child's best interest, and as society's obligation to avoid the cost of neglect. Therefore the Administration should support and request adequate funding for comprehensive child development legislation in the spirit of S. 626 and H.R. 2966, the Child and Family Services Act of 1975.

Discussion

The IWY Commission recognizes that "lack of adequate child care facilities has been found to be . . . a major deterrent to providing greater educational opportunities for children, giving greater dignity and self-respect to mothers on welfare, filling critical needs in shortage occupations and providing real freedom of choice in life style for women."[21]

The Commission joins with the diversified civic and religious organizations that have studied the Child and Family Services Act of 1975 and endorsed it as "family strengthening."[22] The

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[19] IWY Commission members: Audrey Rowe Colom, Chair; Honorable Mary Stallings Coleman, Justice, Michigan Supreme Court; and Sister Joel Read, President, Alverno College. Public members: Gracia Molina de Pick, member of California Post-Secondary Education Committee; William E. Gardner, doctor of psychology, Educational Psychological Research Center, Bryn Mawr, Pa.; Shirley Koteen, Chair, Washington subcommittee of National Affairs Committee, National Council of Jewish Women; Mamie Moore, associate executive director of support services, United Way, Franklin County, Ohio; David Rice, Director of Mississippi Project, Children's Defense Fund; Flora Rothman, Chair, Justice for Children Task Force, National Council of Jewish Women; William Treanor, project coordinator, National Youth Alternatives; and Louella Williams, parent-consumer, board member of Day Care and Child Development Council of America. Staff member: Patricia Hyatt.

[20] Recommendation approved by Child Development Committee Jan. 8; by IWY Commission Jan. 16, 1976.

[21] As did the President's Task Force on Women's Rights and Responsibilities more than a half decade ago in "A Matter of Simple Justice," Apr. 1970.

[22] The organizations include the Baptist Church, United Methodist Church, American Lutheran Church, League of Women Voters, National Council of Negro Women, National Organization for Women, U.S. Conference of Mayors, YWCA, Common Cause and Urban League.

Commission sees voluntary high-quality early childhood education, child development, and family services on an ability-to-pay basis as a long-range national goal.

The Child and Family Services Act of 1975 is comprehensive legislation based on the predecessor Child and Family Services Act of 1971 (which passed both houses of Congress, yet fell to then-President Nixon's veto). It provides for voluntary participation and direct parental involvement in operating expanded child and family services programs. It recognizes the family as the "primary and most fundamental influence on children."[23]

This legislation, in offering various child care services to families, will benefit also the single mother and the single father. Young widowers with children, as well as single fathers who are increasingly seeking and gaining custody of their children in divorce proceedings, are primarily responsible for arranging child care and coping with the tensions when the care available is inadequate. In 1973, five million children lived in families where the single parent was in the labor force and out of the home.

All working families, not only the poor and near-poor, should have quality child care services available. However, the Nation maintains an elaborate but fragmented and unfocused Federal day care policy, primarily as a tool to move mothers off public assistance and into jobs.[24]

Today, approximately $1 billion in Federal funds is spent in child care each year. Of this amount, $400 million goes directly to the parent on public assistance to find such care as he or she can, usually with a neighbor or babysitter. The number of places in licensed centers is woefully inadequate. About $450 million goes into Head Start programs, which may provide excellent care, but for only a few hours a day. There is practically no money for after-school care, weekend and vacation care, or crisis care. These are serious and recurring problems for all working families with small children.

State codes for day care and local standards are inadequate in many places and not enforced. The problem is mainly one of money.

As has been clearly documented, some families, even when both parents work, do not earn enough to pay for the decent care their children need.[25] Quality child care costs at least $40 per week per child.[26]

The Child Development Committee has concluded that as long as the Federal Government continues to see and fund child care primarily as a means of shifting mothers off public assistance rolls, instead of as an educational investment in the future, any real or imagined national commitment to children is a failure.

Survey on Child Care Needs[27]

The IWY Commission recommends that:

1. The Commerce Department in consultation and in cooperation with the Labor Department and the Department of Health, Education, and Welfare, be mandated to conduct a nationwide survey of present and future child care and development needs (hereafter referred to as the National Child Care Survey). The survey should include

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[23] Other provisions: Federal support for establishing, maintaining, and operating programs, including part-day or full-day child care in the home, in group homes, or in other child care facilities; after-school programs; information and referral services to aid families; prenatal care; programs to meet the special needs of minorities, Indians, migrants, and bilingual children; food and nutrition services; diagnosis of handicaps or barriers to full participation in family life.

[24] Federal legislation for child care has been making funds available through scattered sources such as title XX of the Social Security Act of 1974 (including *all* State social services programs); title I of the Elementary and Secondary Education Act (for education of the low-income preschool child); title VI of the Education for the Handicapped Act, (preschool education for the handicapped child); Housing and Community Development legislation (for constructing centers in housing units); Manpower, Aid for Dependent Children, and Work Incentive programs (child care for mothers receiving training); State revenue sharing (in optional State commitments to child care); or tax deductions (available for some families who itemize child care expenses). From a Dec. 23, 1975, interview with Judy Riggs, Washington Research Project Action Council.

[25] In the 5 years between 1970 and 1975, the real spendable earnings of the average family (a nonagricultural worker with three dependents) have risen only $2.13 a week.

[26] Mary Dublin Keyserling, former Director of the Women's Bureau, Department of Labor, in testimony given Nov. 14, 1975, before the Child Development Committee.

[27] Recommendation approved by Child Development Committee Dec. 19, 1975; by IWY Commission Jan. 16, 1976.

questions designed to assess the quality of child care with a deemphasis on defining need only as it relates to income;

2. The Office of Child Development and the Women's Bureau convene a short-term interdepartmental task force, including public member representation from concerned private agencies and organizations, in order to advise National Child Care Survey designers on content; and

3. Results of the National Child Care Survey be available for use early in 1977 to implement Federal child development legislation and as a resource to State and private organizations concerned with family and child development services.

Extensive followup questions suggested by this survey should be included in the decennial (1980) census to form the beginning of a comprehensive longitudinal child care needs study.

Explanation

The National Child Care Survey results should be available for use in 1977 when a number of related reviews are already planned. Among these are:

- Reassessment of title XX (social services) of the 1974 Social Security Act;
- The March 1977 annual family census study;
- The September 30, 1977; expiration of Head Start authorization (under the Head Start Economic Opportunity and Community Partnership Act of 1974); and
- The reevaluation of the business deduction allowance under the Revenue Act of 1971 for capital outlays to acquire and develop property for use as child care centers.

The proposed National Child Care Survey should include questions designed to assess the quality of current child care. The committee declares that, as a matter of policy, the National Child Care Survey should not restrict its attention to measuring child care needs primarily in terms of family income: such an approach tends to confuse child care with a welfare or babysitting service and to prevent child care from being seen as an agent for growth and development.

Background

Although the total population of children in the United States is declining, there are more children whose mothers or single fathers are in the labor force. The trend signals increasing demand for easily available and quality child care.

Previous attempts at data collection have usually produced abundant information on the economic and social status of children with working parents, but little useful information about what kind of care they receive,[28] and certainly not enough detail to allow careful planning.

The Child Development Committee is concerned that the Nation's data on child care arrangements often consist of unverified folklore and obsolete, incomplete statistics. No comprehensive government-sponsored study of need has been published since 1968, and statistics therein are now 12 years old.[29]

Current information suggests that while one out of three mothers with preschool children works, the 6 million preschool children involved are served by only 900,000 spaces in licensed child care centers.[30]

The committee finds that this lack of data results in confusion about what kinds of child care *do* satisfy parents and children. Previous government and private surveys of "quality" have framed questions that focus on dissatisfaction, but that seldom produce positive suggestions for specific child care services.[31] Moreover, questions about "dissatisfaction" produce little guidance because with care of any quality so difficult to arrange, parents seldom complain.

Expectations about the quality of care are low, according to Dr. Edward Zigler, head of Yale University's Child Study Center psychology section, because "most [mothers] don't think anybody is supposed to do anything for them, that as women they are supposed to suffer."

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[28] A singular exception is *Windows on Day Care*, published by the National Council of Jewish Women, 1970.

[29] Child Care Arrangements of Working Mothers in the United States, 1968. Department of Health, Education, and Welfare and the Department of Labor.

[30] *U.S. Working Women*. Bureau of Labor Statistics, 1975.

[31] From Meredith A. Larson's May 1975, Federal Policy for Pre-School Services: Assumptions and Evidence, prepared for the office of the Assistant Secretary for Educa-

In recommending that the survey go beyond family income to define "need," the committee urges that researchers explore a number of areas, including:

- The need for after-school, holiday, and vacation care;
- The need for infant care programs that accept children who are not toilet trained;
- The needs of handicapped children and their parents;
- The child care needs of bilingual, bicultural communities;
- The service and program needs of in-home and group-home child care;
- The need for flexibility in child care schedules, including drop-in centers, 24-hour and night care, because many centers aren't geared to the 8-hour working day; and
- The need to remove constraints imposed by employers and others which prevent parents from actively participating in child care centers.

In addition to needs, the survey should consider various social factors affecting demand for child care, including the impact of price, availability of transportation, and parents' reluctance to participate until centers have become well established.

The survey should record (a) the number of parents who have quit working or have considered quitting because of child care problems, (b) the number of mothers who need and want paid work but cannot find child care, and (c) the number of parents who could participate in meaningful volunteer activities in their communities if their child care needs were met.

In conclusion, the committee is convinced that the approach of a National Child Care Survey should be to explore quality child development services as a voluntary and universally available right of American parenthood.

Parent Education[32]

1. The IWY Commission recommends that:

- **States and local school boards establish and improve programs of education for parenthood;**
- **State and local school boards comply with title IX (Education Amendments Act of 1972) to eliminate policies which discriminate against pregnant girls or teenage parents. Continuance in basic educational programs should be encouraged while parent educational services are provided.**
- **School systems be encouraged to assist students who are parents in arranging child care to make possible their attendance at parent education classes.**

2. Federal education for parenthood projects be expanded and properly funded.

3. The Department of Health, Education, and Welfare (HEW) establish experimental Early Childhood Service Centers to provide guidance and support to parents of young children. Programs could offer medical and mental testing to spot children's particular strengths and correctable problems. They could provide extensive information resources on topics of concern to parents. They could serve as clearinghouses for locating adequate child care, medical attention, and educational services.

Discussion

As American families have become smaller, they have less opportunity for family training in child rearing. Families with young children are increasingly isolated from one another and from extended family support. Awareness of nutrition has become meager in contemporary American society.

The Committee on Child Development accepts the view that being a parent is not instinctual. It believes that much child abuse is due not only to psychological problems, but also to the fact that many parents simply do not *know* the stages of child development, i.e., when to expect a child to sit alone or to become toilet-trained. Child abuse specialists testify to a fright-

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tion, Department of Health, Education, and Welfare. "Studies of preference and satisfaction have made no attempt to focus on specific attributes of a particular type of care that make it the preferred type of care. Until this level of analysis is performed, it will be extremely difficult to design attractive cost-effective and distinct options for child care buyers."

[32] Recommendations approved by Child Development Committee Dec. 19, 1975; by IWY Commission Jan. 16, 1976.

ening relationship between abuse and the young school-age parent, or the parent who at a young age first produced offspring.

In the committee's opinion, parent education in the schools, and preferably before students become parents, is the best place to remedy problems caused by ignorance or abuse. In 1973, between 616,000 and 620,000 school-age parents were 19 and under; 13,000 were under age 15. For these students, parent education is of immediate concern; for others, of course, it will be a future concern. Since June 1972, the Offices of Education and Child Development in HEW, supported by the National Institute of Mental Health, have been coordinating and promoting an Education for Parenthood project—a program which offers to local and State governments and institutions technical assistance, funding information, and copies of sample curriculums and materials. A total of 615 public school programs are already in operation, and the Office of Education has contracts with seven voluntary youth organizations, including 4-H, Boy Scouts, Girl Scouts, etc., to develop additional materials.

The parent education arm of the Office of Education operates under a handicap, however; it has no formal budgetary or legislative authority, and funds are inadequate for staff training, travel expenses, or research allowances.

Therefore, the committee believes it is time that the Education for Parenthood special programs office be properly funded by Congress.[33]

Experimental early childhood service centers, at first limited in number to insure careful study, were proposed to the committee by Don Pierson, Executive Director of Brookline Early Education Project (BEEP). They would serve as an innovative means to improve the quality of life for women and families with young children.[34]

Basing his view on BEEP's success, Pierson recommended that this committee support a limited number of regional early childhood centers operating with the collaboration of local schools, hospitals, and health care facilities.

The centers would train educational and pediatric personnel to provide informed, coordinated and continuous support to parents of young children on a voluntary, sliding-scale fee basis. They would offer, beginning in infancy:

- Diagnostic exams with followup help when needed;
- Resources for information about topics of parental concern (such as the nature of bilingual and monolingual language development);
- Lending facilities for books and toys; and
- Guidance for arranging emergency child care.

Staff outreach services would include home visits by invitation and meetings of parents at the center or through telephone contact. Information would be shared on safety, nutrition, housing needs, employment opportunities, quality child care, and how to minimize the danger of child abuse.

An initially small government investment in a few such regional centers would afford quality control and provide clearer evidence of the benefits of parent education. The committee has been advised that local school systems can shift their budget emphasis to programs of demonstrated value, but initial funding from the Federal Government is needed to start schools along new paths.

Tax Policies[35]

The IWY Commission recommends that the

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[33] According to funding categories covered in the Special Projects Act, Educational Amendments of 1974, which include funds for metric education, gifted and talented children, and consumer education.

[34] After more than 4 years of discussion and planning, the pilot Brookline Early Elementary Education Project is one of the Nation's first school-based programs to provide comprehensive educational and health care for children from birth through kindergarten. Supported by foundation grants and administered in collaboration with Children's Hospital and Harvard University Graduate School of Education, BEEP is an experiment that helps parents in 285 families to be better teachers in the first 3 years of their babies' lives. In his experience with the project, Dr. Pierson has seen how the daily pressures of working and maintaining a happy household often prevent mothers and fathers from creating healthy learning environments for their children. The BEEP program provides services from experts in physical, psychological, and intellectual development, and from other community parents who can share their solutions and build an educational base for their children.

[35] Recommendation approved by Child Development Committee Dec. 19, 1975; by IWY Commission Jan. 16, 1976.

Internal Revenue Code be amended to provide tax credit for child care expenses, available to any working parent regardless of income. Such credits should cover the provision of early developmental care.

Discussion

The Child Development Committee believes that it would be paradoxical to call for a developmental educational focus in a universal voluntary child care program without a change in Federal tax policy. The Revenue Act of 1954 specifies that child care deductions be allowed for "custodial" care only. By definition, custodial care attends to physical, but not necessarily developmental or educational, needs; the shorthand term often used is "warehousing."

Therefore, the committee has requested that Congress be directed to examine and revise existing policy and vocabulary on tax allowances for child care so that programs with early developmental services are covered.

It is this committee's consensus that tax policy should consider child care a business expense for tax credit that can be claimed by any worker regardless of income. A tax credit, rather than a deduction for users of child care services, is a more equitable approach in tailoring tax policy. Deductions are typically used only by families whose incomes are high enough to warrant itemizing. But a credit subtracted from the final tax amount is potentially more valuable to far more families.

A credit system would double to more than 4 million the number of families who would use this benefit, costing the Treasury about $300 million, at $400 per child. (About half of the taxpayers currently taking deductions would be somewhat worse off than under present law.)

In 1972 (latest available data), only 1.4 million of the 10 million families with working parents actually claimed the child care itemized deduction.[36]

Current deduction allowances reward the family that prefers to hire women as domestic servants and, in effect, penalize families who choose to place a child in a center or another home with a number of other children. Payments up to $400 a month are deductible if the care is received in the home of the taxpayer. But if the care provided is outside the home, the more children in the family the less the family may deduct per child—$200 per month for the first; $150 per month for the second; decreasing for the third, fourth, etc. Child care centers don't necessarily reduce tuition in such cases, although they may make some accommodation.

The committee endorses the approach of the House Ways and Means Committee toward child care deductions in H.R. 10612, the Tax Reform Act of 1975. Specifically, the committee finds great merit in the following provisions of Section 504, which was passed by the House on December 4, 1975, and in April 1976 was still pending before the Senate:

- A tax credit of 20 percent of employment-related expenses incurred for care of a child under age 15 or of an incapacitated adult;[37]
- Elimination of the income threshold ($35,000 as of 1976), thus making credit available without regard to income level;
- Extension of credit to married couples in which husband or wife or both work part time (presently both are required to work full time), to married couples where one spouse is a full-time student and the other spouse works, or to a divorced or separated parent who has custody of a child and receives support payments.
- Elimination of the eligibility distinction between care in the home and care outside the home, which now allows a greater deduction for in-home care.
- Allowances of child care credit for services rendered by a relative, provided that the related individual is not a dependent or a resident of the same household.

International revenue projections indicate that the amount of money taxpayers saved on child care expenses in 1972 would increase by 50 percent under this legislation.

The committee strongly supports Senate adoption of Section 504 of the Tax Reform Act of 1975 with essentially the language therein. The committee concurs with Representative

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[36] Linda G. Martin, Economist, Federal Reserve Bank of Boston, Mass., editorial in *Voice for Children*, Oct. 1975.

[37] Expenses limited to $2,000 for one dependent and $4,000 for two or more, so that maximum annual credit would be $400 for one dependent and $800 for two or more.

Donald M. Fraser, who in introducing H.R. 9016, said, "Child care is not a discretionary personal expense such as a charitable contribution; it is a cost of earning a living."

Employer and Employee Sponsorship of Child Care Services [38]

The IWY Commission recommends that Federal and State Governments encourage wider development of nonprofit child care programs for children of employees, sponsored by employers and by labor unions, through appropriate tax and other incentives.

Discussion

Business, industry, labor and government must cooperate if this Nation is to meet the growing need for child care services. The Women's Bureau of the U.S. Department of Labor reports that some industry and labor representatives have made a start toward providing these services, but that many more must actively participate if present and future needs are to be met.[39]

The Women's Bureau suggests further that day care services be considered along with other workplace benefits in negotiating collective bargaining agreements. The committee endorsed the widest possible acceptance of such a policy.

Experimental incentive measures must be encouraged, such as adjusting work schedules to allow early or late departures and arrivals, or setting up more part-time jobs for both sexes, thus allowing more active participation by employees in child care programs.

The committee is urging that the Federal Government be a model public employer and set the pace in providing child care at work, as a fringe benefit of the employer-employee partnership.

Employers and unions instituting such innovative programs—notably public and private hospitals and the Amalgamated Clothing Workers Union of America—have found less absenteeism, a diminished recruiting problem, an increased opportunity for employees to work full time instead of part time or to work overtime when needed, and a flexibility in scheduling work. Almost 90 percent of the 150 hospitals with affiliated child care centers said that some of their staff would resign if such services were discontinued.[40]

Revision of Title XX of the Social Security Act of 1974 [41]

The IWY Commission recommends that the Administration propose to Congress that procedures be established to:

- **Allow realiocation to other States of unused State funds within the current title XX $2.5 billion ceiling, and under any subsequent ceiling level;**
- **Increase the level of funding under title XX; and**
- **Strengthen the mechanism for encouraging citizen comment when States draft title XX "agreements" to provide child care services.**

Discussion

The Commission is urging amendment of title XX of the Social Security Act of 1974 to allow interstate reallocation of unused funds under the title XX $2.5 billion ceiling.

In order for a State to meet requirements for social services reimbursement through title XX's 75 percent Federal matching funding, it must submit an "agreement" to the Department of Health, Education, and Welfare outlining the year's plans and procedures for social service programs. States are apportioned funds from the Federal appropriation according to their population.

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[38] Recommendation approved by Child Development Committee, Dec. 15, 1975; by IWY Commission Jan. 16, 1976.

[39] "Day Care Services: Industry's Involvement," Bulletin 296, 1971, updated 1972, describes child care centers operated by five textile product manufacturing companies, two food processing companies, and three others.

[40] "Child Care Services Provided by Hospitals," Women's Bureau, U.S. Department of Labor, 1973.

[41] Recommendation approved by Child Development Committee Dec. 19, 1975; by IWY Commission Jan. 16, 1976.

Thirty States are presently reimbursed the full amount of their population-determined ceilings; an additional 10 to 12 States may reach their ceilings soon. But under current regulations, funds unused by States under the formula may not be reallocated to areas with higher needs; e.g., a rural State, or a State with difficulty raising matching funds; a crowded metropolitan area beset with expensive urban problems may have stretched its budget impossibly thin.

The committee is therefore urging that procedures be established to allow reallocation so that the entire title XX appropriation will be distributed. It urges that procedures be considered to modify State matching formulas in hardship situations.

It is apparent to the Child Development Committee that a 20 percent title XX ceiling increase allowing States to expand their current programs an additional $500 million [42] is urgently needed and is an inevitable next step. Because a State "agreement" process is built into title XX programming, the use of the additional funds may not be immediate, but would be available for gradual expansion to meet increasing need and costs.

In addition, the committee requests that in advertising title XX plans as required by Federal law, States should be required also to set forth a clearly defined procedure for encouraging citizen comment. The committee understands that some States have held many public hearings on child development and social service programs, although such hearings are not required under title XX. For example, in Maryland, the income level for provision of free child care was raised owing to citizen suggestions. Virginia is considering amending its plan to provide additional services requested by the public.

Child Abuse Laws [43]

The IWY Commission recommends that all States which still do not have adequate children's protective services as part of their child abuse laws immediately upgrade these services.

Discussion

There is a tragic and inevitable relationship between child abuse and later violent activities on the part of children who suffered abuse. The Child Development Committee has heard testimony about research which showed that every murderer profiled in a New York study had been a child abuse victim. "In those cases there was a long build-up of hostility—it wasn't just a casual happening". [44]

Girls outnumber boys among teenage victims of child abuse. [45] Parental anxieties concerning "dating behavior" of adolescent daughters lead to increasing restrictions, conflicts, and use of physical force in asserting parental control. [46]

And child abuse is not limited to battering. Dr. Judianne Densen-Gerber, a New York psychiatrist and lawyer, estimates that 1 out of every 20 females in America was subjected to an incestuous attack when she was a child. Dr. Densen-Gerber specializes in helping victims of this crime. She bases her estimates on an Odyssey Institute survey covering 238 runaway girls in seven States. "We found that 44 percent of them had 'gone off the rails' because they were victims of incest in their homes."[47]

Joan A. Burt, a member of the District of Columbia Parole Board, told the committee,

> "It makes you cry when you see a [sexually] abused young girl who has no self-confidence, thinks she is nothing, and she has a baby. What does she teach [and instill in] that baby?"

The Honorable Mary Stallings Coleman, a Justice of the Michigan Supreme Court and an IWY Commission member, wrote to the Child Development Committee:

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[42] This figure is comparable to the consumer price index rise of nearly 20 percent in the 2-year period from Jan. 1974 to Jan. 1976.

[43] Recommendation approved by Child Development Committee Jan. 13, 1976; by IWY Commission Jan. 16, 1976.

[44] Testimony by Milton Luger, Assistant Administrator of the Juvenile Justice Office, Law Enforcement Assistance Administration, Jan. 9, 1976.

[45] David G. Gil, "Violence Against Children," *Journal of Marriage and the Family*, Nov. 1971, p. 639. This article describes a series of nationwide studies summarized and conducted by the author in 1965–69, with support from the Children's Bureau, U.S. Department of Health, Education, and Welfare.

[46] *Ibid.*

[47] David Klein, "Incest, the Horrible Crime No One Wants to Talk About," *National Enquirer*, Apr. 13, 1976, p. 6.

> "Although we daily are seeing the results of lives warped from childhood, some of the most obvious cases come before the court after the neglect, abuse or dependency has been sustained over a long period—and often after the damage has become so acute that it submits to no cure. . . "

Although every State has had some form of child abuse law at least since 1965, many communities still lack services that assure 24-hour protection for children. In addition, many States do not provide protection for children up to age 18, and others make no provision for reporting neglect.

Child abuse legislation should provide for prevention, detection, reporting procedures, custody, and counseling. The Child Development Committee commends to State governments seeking sample legislation the Model Acts for Family Courts and State-Local Children's Program, available through the Department of Health, Education, and Welfare.

The committee recognizes that schools are in a unique position to identify and help abused children. There, the child's appearance and behavior may be observed regularly by classroom teachers, school nurses, principals, or counselors. The committee suggests that local communities and school boards examine the good record of Project Protection, a cooperative Montgomery County, Maryland, public school abuse prevention plan that is one of three such projects funded by the U.S. Office of Education under Title III of the Elementary and Secondary Education Act. The county's teaching staff has been trained to recognize suspected cases of abuse or neglect.

The year following Project Protection's initiation, reports of suspected abuse or neglect more than doubled, from 63 in school year 1973–74 to 139 in school year 1974–75; the total confirmed cases of physical abuse quadrupled. Abusive parents or relatives have been referred for counseling and they have been encouraged to join self-help parent groups.

Juvenile Justice and Delinquency Prevention [48]

The IWY Commission recommends that the Federal Government support full funding toward carrying out objectives of the Juvenile Justice and Delinquency Prevention Act of 1974.

Discussion

The Juvenile Justice and Delinquency Prevention Act (Public Law 93–415) was overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House of Representatives, then signed by President Ford in September 1974. This act was designed to assist communities in developing humane, sensible, and economic programs to help troubled youth and the estimated one million youngsters who run away each year. The majority of runaways are girls between the ages of 11 and 14.[49]

The act provides Federal assistance for local public and private groups to establish temporary shelter-care facilities and counseling services for young persons and their families. The act clearly has in mind—and this committee supports—facilities such as those recommended by the Juvenile Justice Standards Project, 1973–76,[50] which calls for

> ". . . voluntary community services, such as crisis intervention programs, mediation for parent-child disputes, and residences or 'crash pads' for runaways, as well as peer counseling, disciplinary proceedings or alternate programs for truants as responses to noncriminal misbehavior."

The Project Guidelines call for neglect or abuse petitions to be filed "where children are found living in conditions dangerous to their safety or welfare."

The Juvenile Justice and Delinquency Prevention Act of 1974 will enhance the visibility of the special problems of female offenders. Section 223 (a) (15) requires that "States must provide assurance that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth." The act further requires that States participating in funding must, within 2 years, place status offenders in shelter facilities, rather than in institutions, and must avoid confining juveniles with incarcerated adults. Status offenses, the subject of the committee's recommendation on status offenders (page 158) include conduct that would not be criminal if committed by an adult; typical status offenses include running away, truancy, incorrigibility, and promiscuity.

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[48] Recommendation approved by Child Development Committee Jan. 12, 1976; by IWY Commission Feb. 27, 1976.

[49] Senator Birch Bayh, author of the act and Chair of the Subcommittee to Investigate Juvenile Delinquency for the U.S. Senate Judiciary Committee.

[50] Sponsored by the Institute of Judicial Administration and the American Bar Association and headed by Chief Judge Irving R. Kaufman of the U.S. Court of Appeals for the Second Circuit.

Despite strong congressional support for the Juvenile Justice and Delinquency Prevention Act, there has been a lack of executive policymaking support, most graphically illustrated by executive branch efforts to defer expenditure of moneys appropriated to implement the act.

The Child Development Committee supports funding the act at the $40 million level, which would still be less than one-third of the funding level anticipated in the original legislation. It believes substituting new approaches for old "crimefighting" programs in the juvenile field could produce:

- More culturally relevant programs designed by and for minority youth;
- Programs in which young women in institutions can explore career training that goes beyond such traditional roles and skills as food services or cosmetology;
- Expanded programs of education about law, as well as legal services, both aimed at juveniles so that they will be able for the first time to explain legal terms like "assault" or "larceny" for themselves and their peers;
- Increased training for staffs of community programs that deal with juveniles to provide useful administrative techniques as well as basic knowledge about the growth and development of young people who may be in trouble;
- Creative probation projects that avoid traditional approaches in which probation officers offer this limited admonition: "listen to me and report to me," and are frequently unable to offer needed services or supportive supervision;
- Alternatives to the usual detention home or training school for minors who, because of learning or behavioral problems, need special education or supervision.

The Child Development Committee particularly would like to see funding under the act used to develop computerization of available shelter-care services for juveniles. The need was emphasized by Milton Luger, assistant administrator of the Juvenile Justice Office of the Law Enforcement Assistance Administration (LEAA):

> "Mechanically, it always impressed me that I can get an airlines seat location in two minutes, and it takes two months to find an empty bed for a kid."

Centralized referral should be available to but independent of the juvenile justice system.

The Child Development Committee encourages support for the Federal Coordinating Council of LEAA in its efforts to coordinate all Federal programs and funding for delinquency prevention, treatment, and control, as these factors enhance normal child development. The interrelationships between child abuse, learning disabilities, poverty, malnutrition, and delinquency must be fully understood in order to resolve the problems.

Law Enforcement Assistance Administration Task Force Study[51]

The IWY Commission recommends elimination of discrimination based on sex within all levels of the juvenile justice system. To reach that goal, the Commission urges that the Law Enforcement Assistance Administration (LEAA):

- **Act on the recommendations of the LEAA Task Force on Women concerning the Office of Juvenile Justice and Delinquency Prevention; and**
- **Upgrade the status of women within that agency.**

Discussion

As the LEAA Task Force report documents, discrimination against women and girls in the criminal justice system appears to be a serious, pervasive problem in statutes, courts, and correctional agencies. The situation is particularly critical because the usual statistic collection fails to disclose disparities in treatment.

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[51] Recommendation approved by Child Development Committee Jan. 13, 1976; by IWY Commission Jan. 16, 1976.

The Child Development Committee specifically urges Federal action on four recommendations of the LEAA Task Force on Women concerning juvenile justice and delinquency prevention:

1. Develop strategies to increase State support for female juvenile offender programs.
2. Assure that State juvenile delinquency plans analyze the needs of disadvantaged youth and that program statistics include sex and minority classifications.
3. Fund research that analyzes treatment of female juveniles by the courts, referral agencies, and the community, with special emphasis on status offenders.
4. Fund programs that specifically focus on the needs of the female juvenile at all stages of the juvenile justice system, from referral to postadjudication.

The Child Development Committee proposes that, as a means to review progress in correcting inequities in the entire juvenile justice system, the Civil Service Commission be directed to conduct hearings that examine discriminatory policies and practices outlined in the report of the LEAA Task Force on Women.

A Grants Management Information System printout on grants made by the LEAA from 1969 to 1975 confirms a lack of attention to the needs of the female juvenile offender. Only about 5 percent of all "juvenile delinquency discretionary projects" and only 6 percent of the "block juvenile grants" were for specifically female-related programs. None of the grants included a research effort on special characteristics of, or different treatment of, female juvenile offenders.

There is also evidence of sex discrimination in staffing within the juvenile justice system, particuarly where males dominate in critical decision-making posts. A current 5-year study by the National Assessment of Juvenile Corrections has found that of 49 executives in juvenile justice agencies only 10 were female.

One of the ways in which girl offenders are discriminated against is through court-ordered physical examinations, specifically gynecological examinations. During the years 1929–1955, about 70 to 80 percent of the adolescents referred to the Honolulu Juvenile Court were examined, compared to 12 to 18 percent of the male population. "Notations such as 'hymen ruptured,' 'hymen torn—admits intercourse,' and 'hymen intact' were routine, despite the fact that the condition of the hymen is usually irrelevant to health or illness. Further, gynecological examinations were administered even when the female was referred for offenses which did not involve sexuality such as larceny or burglary."[52]

Status Offenders[53]

The IWY Commission recommends that State legislatures undertake as a high priority the establishment of more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants, and, when appropriate, first felony offenders, with the ultimate goal of eliminating as many status offenders as possible from jurisdiction of the juvenile courts.

The Commission further urges that the juvenile justice system eliminate disparities in the treatment of girls by courts and correctional agencies.

Discussion

Clearly, young girls suffer most from court procedures dealing with the status offenses, i.e., conduct that would not be criminal if committed by adults. Truancy, incorrigibility, and sexual delinquency are the three primary status offenses with which girls are charged. Young females are not only more likely to be referred to courts and detained for status offenses, but they are also held longer than boys referred for such conduct.

One midwestern study of more than 800 juvenile court referrals found these typical proportions: 28 percent of the boys had been brought to court for "unruly offenses," compared with 52 percent of the girls.[54] At the juvenile detention home, a coeducational youth facility, running away and sex offenses accounted for 60.7 percent of all the female delinquent referrals; moreover, girls on the average stayed there three times as long as boys.[55]

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[52] Meda Chesney-Lind, "Judicial Enforcement of the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2, (Fall 1973).

[53] Recommendations approved by IWY Commission February 26–27, 1976. The recommendation approved by the Child Development Committee Jan. 10, 1976, but revised by the Commission, is reprinted on p. 160 under the heading "Original Version."

Such discrimination based on the sex of status offenders traditionally has been upheld on grounds of "reasonableness." Only since 1970 have some State laws permitting longer sentences for females than males been found in contravention of the 14th amendment and a violation of the Equal Protection Clause of the U.S. Constitution.[56]

The courts' traditional attitude reflects society's sexual double standard, which has demanded that the traditional American family exert greater control over a daughter's behavior in order to protect virginity (or virginal reputation). The "good" adolescent female is never sexual, although she must be sexually appealing. Compared to the teenage male, she has a much narrower range of acceptable sexual behavior. As a result, even minor deviance may be seen as a substantial challenge to society and to the present system of sexual inequality.[57] Promiscuous young women are found to be unpalatable. "The young man gets a wink and a look in the opposite direction."[58]

As a result, female juveniles are more likely to be incarcerated than are adult women. "Adult women get a better shake when it comes to crimes than do juvenile girls. There is a reluctance to jail women, but not juveniles,"[59] the Child Development Committee was told.

All too frequently, detention and police personnel suggest that it is necessary to lock up girls "for their own safety and well-being."[60]

The wording of status offense codes is so vague as to allow this kind of discretionary action against girls thought to be "in moral danger." Until 1972, a Connecticut law made it a crime for "an unmarried girl to be in manifest danger of falling into habits of vice."[61]

Ironically, the "status offense" category works in favor of some classes and against others. Of the status offenders in the District of Columbia courts, 80 percent are from white suburban areas; the urban, minority youth is more likely to be classified under the more serious category of delinquent.[62]

Female status offenders when they are institutionalized enjoy less recreation than boys and have poorer quality counseling and vocational training. And many existing programs continue to exploit girls in traditional sex roles; the emphasis may be on training to become cosmetologists or domestic workers.

Adolescent status offenders may be channeled into more serious charges: a 13-year-old girl who violates a court order against truancy, for example, may be reclassified into the more serious category of "delinquent" for the same behavior. Repeat runaways may face the same harsh treatment if their States have not chosen to adopt provisions of the Runaway Youth Act, which is Title III of the Juvenile Justice and Delinquency Prevention Act of 1974.

Title III specifically found that "the problem of locating, detaining, and returning runaway children should *not* be the responsibility of already overburdened police departments and juvenile justice authorities", and declared, "It is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure." However, only States that apply for funding under the act must demonstrate that they adhere to these requirements.

While recommending that, when possible, all so-called status offenses be removed from juvenile court jurisdiction, the Child Development Committee cautions against any tendency to charge these minors with more serious offenses such as delinquency.

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[54] Peter C. Kratcoski, "Differential Treatment of Delinquent Boys and Girls in Juvenile Court," *Child Welfare*, Jan. 1974, vol. LIII, no. 1, p. 17.

[55] Meda Chesney-Lind, "Judicial Enforcement on the Female Sex Role: The Family Court and the Female Delinquent," *Issues in Criminology*, vol. 8, no. 2, Fall 1973.

[56] Rosemary Sarri, "Sexism in the Administration of Juvenile Justice," paper presented to National Institute on Crime and Delinquency, Minneapolis, June 16, 1975.

[57] Chesney-Lind, *op. cit.*

[58] Testimony of John Rector, Staff Director and Chief Counsel, U.S. Senate Juvenile Delinquency Subcommittee to Child Development Committee, Jan. 9, 1976.

[59] Testimony of Wallace Mlyneic, Codirector, Georgetown Juvenile Justice Clinic, Wash., D.C., Jan. 9, 1976.

[60] "Children in Custody: Advance Report on the Juvenile Detention and Correctional Facility Census of 1972–73," Law Enforcement Assistance Administration, 1975.

[61] Sarri, *op. cit.*

[62] From testimony of Joan A. Burt, Wash., D.C., Parole Board, to Child Development Committee hearing Jan. 9, 1976.

In testimony to the Child Development Committee, the Honorable Eugene Arthur Moore, Probate Juvenile Court Judge, Oakland County, Michigan, Secretary of the National Council of Juvenile Court Judges; President of the Children's Charter, Inc.; said he felt that status offenders should be allowed in the juvenile court only after there has been positive judicial finding that no other community resource can meet their needs.

Judge Moore urged, as does this committee, that every juvenile court judge should be an advocate within his community to lead that community toward developing the necessary resources both within and without the juvenile court. "The judge must be a catalyst and motivation in the community towards the development of preventive and rehabilitative programs."

A special program of the Office of Juvenile Justice and Delinquency Prevention has already awarded $11 million in grants to various government and nonprofit agencies to facilitate deinstitutionalization of status offenders.[63]

In Oakland County, Michigan, is found a model example of joint community effort by citizens, government, and juvenile court officials to provide coordinated youth assistance, delinquency prevention programs, and a rehabilitative camp for young people. The committee commends this county's programs to the attention of action-oriented youth-serving groups in other communities.

Original Version

The Child Development Committee recommends that State legislatures eliminate status offenses, used to discriminate against young women, from the jurisdiction of juvenile courts, and that States establish more youth bureaus, crisis centers, and diversion agencies to receive female juveniles with family and school problems, misdemeanants, and, when appropriate, first felony offenders.

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[62] Department of Justice, Nov. 1976 evaluation report on the impact of programs on women for IWY Commission on Program Impact, the IWY Interdepartmental Task Force.

Enforcement of the Laws Committee[64]

Affirmative Action[65]

The IWY Commission recommends that the Department of Labor and all other Federal agencies monitoring the employment practices of Federal contractors be required to set up enforcement procedures, with appropriate sanctions, and to use them without delay against contractors who exclude or discriminate against qualified people because of their sex.

Background

Recent studies by the U.S. General Accounting Office and the U.S. Commission on Civil Rights have shown that requirements for affirmative action have been ineffective because of lax enforcement procedures. At the same time, affirmative action for Federal contractors has come under strong attack.

The committee believes that this is not the year to start dismantling the affirmative action regulations; rather it is the time to start enforcing them. Experience going back more than 10 years shows that mere expressions of desire for fairer hiring and promotion practices on the part of Federal contractors do not and will not do the job, and that numerical goals and timetables for hiring members of hitherto excluded groups are needed.

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[64] IWY Commission members: Elizabeth Athanasakos and Sen. Birch Bayh, Co-Chairs; Dr. Barbara Bergmann; Hon. Mary Stallings Coleman; Velma Murphy Hill; William Crawford Mercer; and Betty Smith. Public members: Margaret Dunkle, Associate Director, Project on Women, American Association of Colleges; Odessa Komer, Vice President of United Auto Workers (alternate: Dorothy Haener, UAW); Dr. Carol Oglesby, Professor of Sports Psychology, Temple University; Barbara Shack, Associate Director of the New York Civil Liberties Union; Dr. Emily Taylor, Director of the Office of Women in Higher Education of the American Council on Education; Pat Vasquez, Director of the Chicana Rights Project of the Mexican American Legal Defense and Education Fund; and Addie Wyatt, Women's Affairs Department of the Amalgamated Meatcutters and Butcher Workmen of North America. Staff member: Janice Mendenhall.

The Enforcement of the Laws Committee contracted with the Women's Equity Action League for a series of studies which resulted in a chart on "Federal Laws and Regulations Prohibiting Sex Discrimination" and analyses of education, employment, housing, revenue sharing, regulatory agencies, and credit.

[65] Recommendation approved by Enforcement of the Laws Committee Dec. 4, 1975; by IWY Commission Dec. 5, 1975.

Women in Positions Administering the Enforcement of Laws[66]

The IWY Commission recommends that all agencies and organizations charged with enforcing the law, including agencies at the Federal, State, and local levels, police departments, and the military, recruit women until they recruit a representative number of women in all job categories and at all pay levels.

Study on Athletics and Physical Education by U.S. Commission on Civil Rights[67]

The IWY Commission recommends that the U.S. Commission on Civil Rights conduct its planned study of "Sex Discrimination in Physical Education and Athletics" without delay, using this study to evaluate the effectiveness of title IX (Education Amendments of 1972) in eliminating sex discrimination in physical education and athletics generally in educational institutions.

Background

Sex discrimination in athletics and physical education programs has certainly been the most publicized and controversial issue surrounding implementation of title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally assisted education programs.

The commissioners of the U.S. Commission on Civil Rights have approved a study of "Sex Discrimination in Physical Education and Athletics" for inclusion in the budget for FY 1977. This $183,000 study is planned to begin in November 1976 and to be completed by February 1978. It would investigate such areas as:

- The funding and staffing of programs, and the provision of the number and type of programs provided for girls and women;
- The impact of discriminatory treatment on the development of female children;
- The manner in which the athletic system itself contributes heavily to the socialization of girls and boys and the imposition of limiting sex role stereotypes, as well as the impact of limiting physical abilities on the employment future of women; and
- The Federal role in assuring nondiscrimination in physical education and athletics under tile IX of the Education Amendments of 1972.

Hearings on the President's Commission on Olympic Sports[68]

The IWY Commission on the Observance of International Women's Year recommends that the President's Commission on Olympic Sports in its hearings include the topic of women's participation and leadership.

Background

The mandate of the President's Commission on Olympic Sports clearly includes a study of the role of participants in the governance of their own sport. Data indicates that women are discriminated against as participants and leaders in sport competition representing the United States.

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[66] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

[67] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

[68] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

PARTICIPANTS IN WORLD UNIVERSITY GAMES
MOSCOW, 1973

Sport	*Men*	*No. of countries*	*Women*	*No. of countries*	*No. of events Men*	*No. of events Women*
Basketball	325	29	186	16		
Wrestling	197					
Water Polo	131					
Volleyball	262	23	174	15		
Gymnastics	89	28	43	12	6	4
Track and Field	446	55	182	31	21	13
Swimming	156	29	80	16	13	9
Diving	24	14	17	10		
Tennis	51	25	36	21		
Fencing	211	29	52	15	6	2
	1,940		778=28 percent			

WOMEN IN LEADERSHIP POSITIONS—MOSCOW 1973

	Percent Men	*Percent Women*
Coaches women's basketball	85	15
Coaches women's volleyball	70	30
Chef de mission, 72 countries	100	

Expanding the Role of Women in the Governance of Sport[69]

The IWY Commission will contact national sport governing bodies, federations, associations, and committees to request that they (1) compile data on the frequency and levels of female leadership in their organizations; (2) develop affirmative action programs to bring women representatives into all levels of their sports governance structures; and (3) send copies of the data and affirmative action programs to the IWY Secretariat.

Background

As with most power structures, women are largely underrepresented in the policymaking bodies of sports organizations. For instance:

> At a 1973 meeting of the General Assembly of International Federations (GAIF), there was one woman representative among the official delegates.
>
> At a 1975 executive committee meeting of the U.S. Olympic Committee there were 2 women as official representatives among about 35 officials.
>
> At the 1975 General Assembly of the International Federation for University Sport there was 1 woman delegate among representatives from 44 countries.

A group of sportswomen, acting as consultants for the U.S. Center for International Women's Year, agreed this kind of exclusion is characteristic of the sport organization system.

The above recommendation, calling for affirmative action, would be sent to the following groups:

- National Archery Association of the United States
- Amateur Athletic Association of the United States
- Amateur Athletic Union of the United States
- National Collegiate Athletic Association
- National Federation of State High School Athletic Associations
- National Association of Intercollegiate Athletics
- National Junior College Athletic Association
- American Badminton Association
- American Association of College Basketball Coaches
- Little League Baseball
- U.S. Baseball Federation
- National Association of Basketball Coaches of the United States
- Basketball Federation of the United States of America
- International Association of Approved Basketball Officials
- Amateur Bicycle League of America
- American Canoe Association
- Amateur Fencers League of America
- U.S. Figure Skating Association
- U.S. Gymnastics Federation
- U.S. Team Handball Association
- American Association for Health, Physical Education and Recreation
- Amateur Hockey Association of the United States
- Field Hockey Association of America
- U.S. Judo Federation
- American Motorcycle Association
- National Association of Amateur Oarsmen
- U.S. Olympic Committee
- U.S. Parachute Association
- National Association of the Partners of the Alliance
- U.S. Modern Pentathlon and Biathlon Association

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[69] Recommendation approved by Enforcement of the Laws Committee Jan. 9, 1976; by IWY Commission by mail ballot Feb. 1976.

National Rifle Association of America
U.S. International Skating Association
U.S. Ski Association
U.S. Soccer Football Federation
Amateur Softball Association of America
Sports Ambassadors
Interservice Sports Committee
People-to-People Sports Committee
U.S. Collegiate Sports Council
U.S. Lawn Tennis Association
U.S. Table Tennis Association
U.S. Track and Field Federation
U.S. Track Coaches Association
U.S. Volleyball Association
U.S. Wrestling Federation
Amateur Basketball Association of the United States of America
American Horse Shows Association, Inc.
American Swimming Coaches Association
U.S. Yacht Racing Union
American Bowling Congress

Proclamations To Encourage Women in Sports[70]

The IWY Commission recommends that:

1. A proclamation be issued for all Federal, State, and local recreation-oriented agencies and the President's Council on Physical Fitness and Sport, calling for program emphasis on lifetime sport opportunities for women.

2. The President issue a proclamation declaring an "Equality for Women in Sport" day during the Bicentennial Year. The sports day would honor past U.S. sports heroines and encourage schools, colleges, and other public agencies to advance present and future opportunities for women in sport, especially through compliance with title IX of the Education Amendments of 1972.

Background

Sports participation is an important aspect of the quality of life for citizens. However, participation in sports has always been emphasized more for men than for women, both in the popular press and through more institutionalized support of sports for men and boys.

Prominent men's collegiate athletic associations such as the National Collegiate Athletic Association and the National Football Coaches Associations have never supported title IX prohibiting sex discrimination in education and have maintained that implementation at the collegiate level would destroy college football.

Data from research in 1969 and 1973 show the following disparities in expenditures for men's and for women's collegiate athletic programs.

MEN'S ATHLETIC BUDGETS—1969*

Class A (major football institutions)	Average revenues	$1,397,000
	Average expenses	1,322,000
	Profit	75,000
Class B (college division institutions)	Average revenues	185,000
	Average expenses	247,000
	Loss	−65,000
Class C	Average revenues	37,000
	Average expenses	196,000
	Loss	−65,000
Class D (major basketball with no football)	Average revenues	69,000
	Average expenses	196,000
	Loss	−127,000
Class E (no football)	Average revenues	22,000
	Average expenses	54,000
	Loss	−32,000

*Michael Raiborn, *Financial Analysis of Intercollegiate Athletics*, National Collegiate Athletic Association, 1970.

WOMEN'S ATHLETIC BUDGETS—1973*

Institutions over 20,000 students	$12,938
10,000 to 15,000 students	9,420
5,000 to 9,999 students	9,493
3,000 to 4,999 students	9,412
Under 3,000 students	3,991

*Marilyn Vincent, *Journal of Health, Physical Education and Recreation*, Mar. 1973.

Revising the Publication of the President's Council on Physical Fitness and Sports,

Suggestions for School Programs; Youth Physical Fitness, September 1973[71]

The IWY Commission requests the President's Council on Physical Fitness and Sports

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[70] Recommendation approved by Enforcement of the Laws Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[71] Recommendation approved by Enforcement of Laws Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

to revise its 1973 publication in the following manner:

1. Eliminate unnecessary differences in standards between boys and girls appearing on pages 12, 13, 14, 31 (girls' push-ups), and 48.

2. Eliminate sexist prejudices inherent in text; pages 53 and 54, which link weight training for women to motherhood only; page 62, where only men athletes are listed for gains through interval training; page 83, where only the "football coach" is listed as a public relations asset; page 88, where girls' role in public demonstration emphasizes dance, gymnastics, and other "form events."

Background

The committee, in making the above recommendations, takes into account three relevant facts:

- Research indicates that boys' and girls' physical performance is comparable prior to puberty.
- The effects of socialization appear to detrimentally affect female physical abilities at all ages.
- Publications of the Federal Government should lead the way in encouraging excellence in all areas of performance from its citizens.

Title IX of the Education Amendments of 1972[72]

The IWY Commission recommends that:

1. The Secretary of the Department of Health, Education, and Welfare (HEW) direct the Director of the Office for Civil Rights to effectively enforce title IX, including the withholding or terminating of Federal funds.

2. The Secretary of HEW instruct HEW's Office for Civil Rights to establish immediately a full compilation of all title IX rulings to date and to continue to maintain this compilation in the future, indicating that this compilation will be available to both HEW staff and the interested public.

3. The President and the executive branch oppose any amendments which would weaken the protections against sex discrimination in education guaranteed by title IX.

Background

At this time neither HEW civil rights staff nor the public has access to a compilation of rulings on, or interpretations of, title IX (which prohibits sex discrimination in federally assisted education programs). A major obstacle to meaningful compliance with title IX has been the lack of consistent, sound interpretations of the law and relevant regulations. Additionally, there has been a great deal of variation from region to region concerning the "proper" interpretation of title IX.

Because HEW staff do not have access to this information, they are unable to answer some important substantive questions on title IX, leaving schools, colleges, and the victims of sex discrimination without guidance on how to interpret the law or protect their rights.

Several legislative amendments have been introduced in Congress to weaken title IX. HEW did not oppose the "Tower Amendment" (concerning intercollegiate athletics) and the President indicated in July 21, 1975 letters to the chairs of the House and Senate committees with jurisdiction over title IX that he would "welcome Congressional hearings on [the O'Hara bill, which would exempt certain intercollegiate athletic activities from title IX]."

Until July 1975, when HEW's final regulation for title IX took effect, enforcement was minimal, as many complainants were told their cases would not be investigated until the regulation was final (including some whose cases were in an unambiguous, noncontroversial area and which could not possibly be affected by the final stages of the regulation process).

Since the regulation took effect, although hard information on the status of title IX cases is unavailable from HEW, there have been many indications that HEW does not intend to move forcefully against sex discrimination illegal under title IX:

- According to HEW's enforcement plan for elementary and secondary school systems this year, title IX ranks eighth in priority among 12 kinds of enforcement action.

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[72] Recommendation approved by Enforcement of the Laws Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

- The civil rights office has scheduled only six comprehensive, system-wide reviews under title IX this year—6 out of 16,000 school districts.
- According to the 1976 plan, HEW intends to investigate only a fraction of the title IX complaints it expects to receive this year. For example, while the Atlanta office expects to receive 120 complaints this year, it plans to investigate only 33. The New York office has set aside time to look into only 3 of this year's projected 52 complaints.
- One HEW regional civil rights unit, the Dallas office, has notified title IX complainants that it cannot handle their complaints at this time claiming that a court order requires the office to put all its resources into resolving race discrimination cases. Several organizations have asked for an injunction to force HEW to resume acting on title IX complaints.
- Although HEW argues it cannot adequately enforce the law because of "lack of resources," the civil rights office turned back over 10 percent of its budget to the Treasury unspent last year. The Administration requested no new positions for enforcement in elementary and secondary education for the current fiscal year.
- HEW is currently being sued for nonenforcement of title IX as well as several other laws barring sex discrimination in education.
- HEW is currently exploring the possibility of turning over some of its enforcement responsibilities, including the investigation of complaints, to the States.
- In June 1975 HEW proposed new civil rights procedural rules which would relieve the Department of its current obligation to act on complaints filed under title IX and other civil rights laws. Despite strong pressure to rescind this proposal, HEW Secretary Mathews has refused to indicate that a revision will include the obligation to investigate all complaints.

HEW Office for Civil Rights Resources and Enforcement[73]

The IWY Commission recommends that:

1. The Office for Civil Rights, Department of Health, Education, and Welfare (HEW) immediately formally withdraw the "Consolidated Procedural Rules for Administration and Enforcement of Certain Civil Rights Laws and Authorities";

2. The Office of Management and Budget (OMB) immediately review the enforcement resources and priorities of the HEW Office of Civil Rights, and support increased appropriations if necessary to establish and maintain an effective enforcement effort under title IX of the Higher Education Amendments of 1972;

3. The Office of Civil Rights, HEW, develop and implement a complaint-processing system that would include action on current complaints at the same time the backlogged complaints are processed, in order to handle effectively all matters of discrimination without pitting one group against another.

Background[74]

The controversy over the HEW Office of Civil Rights enforcement of Executive Order 11246, as amended, (i.e., the contract compliance program) surrounds the substantive program as well as the programmatic procedures. As Congressman O'Hara stated in the hearings on the civil rights obligations of institutions of postsecondary education, "They may disagree on what HEW should have been doing, but they all agree that it hasn't been doing it."[75] The backlog in complaints is due to inadequate staffing and the *Adams* v. *Weinberger* decision in Dallas (see below, under Priorities).

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[73] Recommendation approved by Enforcement of the Laws Committee Dec. 4, 1975; by IWY Commission Dec. 5, 1975.

[74] Some of the material in this background section was excerpted from a study prepared by Norma Raffel, "The Enforcement of Federal Laws and Regulations Prohibiting Sex Discrimination in Education," under contract with the IWY Commission.

[75] Hearings before the Special Subcommittee on Education and Labor, U.S. House of Representatives, Sept. 1974, p. 322.

Staffing. The HEW Office of Civil Rights (HEW/OCR) had 847 positions in FY 1975 and requested an increase of 60 for FY 1976, a total of 907. However, during FY 1975 HEW/OCR returned to the U.S. Treasury $2.6 million, about 10 percent of its budget.[76] Peter Holmes, former Director of HEW/OCR said that he was not aware that the funds had not been spent. After further checking, he reported that the unspent money resulted from 50 to 60 vacancies that were created in FY 1975 but had not been authorized for filling until midway through the year, in December.[77] However, even if all 60 positions had been filled at the top professional level (GS-13), the entire salary cost for all year would have been only about $1.26 million. These discrepancies and the nonutilization of funds point out serious mismanagement problems which ought to be investigated by the Office of Management and Budget.

Priorities. In contrast to the funds being returned to the U.S. Treasury, Peter Holmes says that HEW/OCR's resources are so inadequate that priorities must be set or the large number of complaints will eliminate any broad compliance reviews. The court decision in *Adams* v. *Weinberger* was cited as decreeing how HEW/OCR must allocate its staff and time:

> Just recently, one part of the *Adams* v. *Weinberger* supplemental court order would, in effect, require the Department to become almost totally complaint-oriented throughout the 17 Southern and Border States in regard to enforcing Title VI with respect to race discrimination in public elementary and secondary schools. This will inevitably occur because the volume of complaints, pending and estimated, will be sufficient to occupy all of the existing elementary and secondary staff resources of at least three regional offices for the indefinite future in order to ensure compliance with the court's prescribed scheduling of resolving complaints.[78]

HEW/OCR staff members claim that they must eliminate processing of individual complaints in order to focus on the broader, more comprehensive compliance reviews. This resulted in the issuance of the "Proposed Consolidated Civil Rights Procedural Regulations."[79] Under these proposed regulations, any person or organization writing HEW about possible discrimination will get from HEW:

- Notification of any planned compliance review in the next 12 months;
- Referral to any other Federal, State, or local agency which has legal authority to investigate and take legal action on the case; and
- Notice of any internal grievance procedure which must be instituted by the recipient according to law.

These proposed regulations raised a great clamor from women's and civil rights groups for their immediate withdrawal. A Senate resolution introduced by Senator Birch Bayh gained 52 Senate cosponsors in declaring:

> Resolved, that it is the sense of the Senate that the Department of Health, Education, and Welfare should withdraw the aforementioned proposed procedural regulations.
>
> And be it further resolved that if additional positions are required within the Office for Civil Rights for effective enforcement of Civil Rights laws this need should promptly be brought to the attention of the Senate.
>
> And be it further resolved that the Office for Civil Rights within the Department of Health, Education, and Welfare shall continue to make every effort to detect systemic discrimination through the use of annual surveys which shall be modified to encompass areas relating to discrimination based on sex and handicap.[80]

Despite the public outcry against the regulations and despite promises to incorporate changes in them, HEW/OCR on September 29, 1975, reissued the very same regulations for an additional period of comment.[81]

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[76] Letter from John D. Young, Assistant Secretary, Comptroller, HEW, to Holly Knox, Project on Equal Education Rights, Sept. 25, 1975.

[77] "Inquiry into Bias Curbed by H.E.W.," *New York Times*, Oct. 15, 1975, p. 49.

[78] Testimony of Peter Holmes, Director of HEW/OCR, to Committee on Enforcement of the Laws, Sept. 16, 1975, p. 5.

[79] *Fed. Reg.*, June 4, 1975, p. 24148.

[80] *Congressional Record*, Senate, Aug. 1, 1975, p. 24148.

[81] *Fed. Reg.*, Oct. 2, 1975.

In October 1972, HEW/OCR issued "Higher Education Guidelines" which related the requirements of Executive Order 11246, as amended (contract compliance program), and the Office of Federal Contract Compliance's Revised Order No. 4 to colleges and universities having Federal contracts. However, according to the former Director of the Higher Education Division, HEW/OCR, the guidelines were not specific enough for institutions to know what was expected of them, and they did not provide specific guidance to HEW/OCR's regional staff for evaluating institutions' affirmative action plans (AAPs). "A Format for Development of an Affirmative Action Plan by Institutions of Higher Education" was issued in August 1975 to facilitate compliance with Executive Order 11246 and to clarify the obligations of colleges and universities to maintain acceptable AAPs.

Complaint Processing. The Higher Education Division of HEW's Office for Civil Rights enforces Executive Order 11246 for between 863 and 1,300 institutions; estimates vary. As of December 31, 1973, the HEW/OCR Higher Education Division inventory showed a total of 296 Executive order complaints (individual and class) that were considered active. The status of these complaints is described on the chart below:

	Investigations				
	Total no.	*Acknowledged*	*Completed*	*Letters of findings**	*Other***
Individual complaints	116	4	30	23	59
Class complaints	180	128	10	23	19

*The letter of finding is sent to an institution after an investigation, and details what is needed to bring the institution into compliance.

**Other: Referred for enforcement, investigation scheduled, negotiation, or no designation.

Of the individual complaints 35 percent had been only acknowledged, 45 percent had been investigated, but a letter of finding has been issued in only 20 percent of the complaints filed. Of the class complaints, 71 percent had only been acknowledged, 18 percent had been investigated, and letters of finding were issued in 13 percent of the complaints filed. In calendar year 1974 HEW/OCR received 197 Executive order complaints and resolved 33.

Amending Proposed Regulations Implementing Title IX of the Education Amendments of 1972[82]

The IWY Commission recommends that the President consider the following recommendations for changes in the regulations to implement title IX of the Education Amendments of 1972:

1. Allowing complainants the option of using internal grievance procedures, if an institution has them, *or* filing complaints directly with the Department of Health, Education, and Welfare (HEW). The complainant would, of course, have the option of both filing with HEW and using the internal grievance procedure.

2. Developing a new provision which would require the recipient of Federal assistance to conduct and publish self-evaluation to assess its status in regard to existent sex discrimination. This evaluation should cover admission practices, financial aid, educational program access, curriculum, and athletics, as well as employment.

3. Establishing a uniform pension policy under the existing Federal legislation now covering employment. The Equal Employment Opportunity Commission (EEOC) guidelines, which require equal periodic benefits, would appear to be more equitable, and the title IX regulations should reflect this approach.

4. Deleting the references to contact sports and replacement of the athletic sections with the language of the June proposed draft.

Background

The IWY Commission has as one of its primary mandates the full and proper enforcement of existing Federal legislation banning discrimination on the basis of sex.

The regulations to implement title IX of the Education Amendments of 1972 are now awaiting approval by the President. This law is the first banning discrimination on the basis of sex in all education programs and activities receiving Federal financial assistance.

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[82] Recommendation adopted by IWY Commission May 16, 1975.

The four parts of the draft regulations that are of particular concern to the Commission as they stand appear not to reflect the intent of legislative history. The Commission urges that the President sign the regulations within the next few weeks so that the school year will begin with the regulations in place.

Enforcement of Titles VII and VIII of the Public Health Service Act of 1971[83]

The IWY Commission recommends that the Secretary of the Department of Health, Education, and Welfare (HEW) take immediate steps to publicize widely the provisions of the Public Health Service Act prohibiting sex discrimination in admission to Federally funded health training programs and to develop an effective enforcement program, including prompt handling of complaints and compliance reviews.

Background

Titles VII and VIII of the Public Health Service Act, 42 U.S. Code 295L-9 and 298b-2, were passed in 1971. They provide that institutions of medicine, nursing, and allied health fields which received Federal funds cannot discriminate on the basis of sex. While the coverage of the Public Health Service Act is substantially the same as title IX, it does include two situations which are exempted under title IX. The first covers admission policies to single-sex schools and prohibits discrimination on the basis of sex. The second covers admission to private undergraduate schools. If students are admitted to a specific health training program, there can be no sex discrimination in admissions. If, on the other hand, students are admitted for a course of general study and later select a health training program as a course of study, all admissions policies must be free from sex discrimination. There are no affirmative action requirements.

Despite the clear language and intent of the statute, HEW did not promulgate even proposed implementing regulations until September 20, 1973 (38 *Fed. Reg.*, p. 26385). Those regulations were not issued in final form until July 7, 1975 (40 *Fed. Reg.*, p. 28572), 4 years after passage of the act. During this period, HEW conducted no meaningful enforcement activities. Moreover, since promulgation of the final regulations, the agency has given no indication of becoming any more vigorous in the enforcement of the act.

The effect of the prolonged absence of regulations and general nonenforcement is that the vast number of women intended to be the beneficiaries of the act are not aware of its existence, despite the well-documented sex discrimination which exists in health fields. In 1974, HEW received two complaints of discrimination covered by the act, and resolved neither of them. This disturbing statistic indicates a serious failure by HEW to publicize the existence of the act and to inform women of the agency's responsibilities to enforce its provisions.

Model Compliance Reviews in Educational Institutions[84]

The IWY Commission recommends that the Department of Health, Education, and Welfare (HEW), Office of Civil Rights, should conduct model contract compliance reviews of various types[85] of educational institutions: school districts on both the elementary and secondary level, doctoral-granting institutions, comprehensive colleges and universities, 2-year colleges and universities, professional schools and other specialized institutions, and liberal arts colleges. Any deficiencies uncovered during the review should receive appropriate enforcement and the results should be widely publicized.

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[83] Recommendation approved by Enforcement of the Laws Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[84] Recommendation approved by Enforcement of the Laws Committee Sept. 16, 1975; by IWY Commission by letter, announced Dec. 5, 1975.

[85] All except elementary and secondary level school districts are classifications for higher education used by the Carnegie Commission on Higher Education.

Background

Although title IX of the Education Amendments of 1972, which prohibits sex discrimination, has been in effect for several years, the implementing administrative regulations developed by HEW were not issued until 1975. HEW has investigated very few of the over 300 complaints of sex discrimination filed against colleges and universities under Executive Order 11246, amended. The cumulative effect of these actions is that sex discrimination appears to have a low priority in HEW enforcement. This has led many community groups and concerned individuals to question HEW's sincerity in enforcing the laws against sex discrimination.

The committee's recommendation aims to get HEW to set a few models in compliance enforcement as examples for the educational community.

U.S. Office of Education Task Force Report, *A Look at Women in Education* [86]

The IWY Commission recommends that:

1. The Secretary of the Department of Health, Education, and Welfare (HEW) immediately authorize a followup report to analyze the progress that has been made to date on the recommendations included in *A Look at Women in Education* and to identify HEW plans for implementing those recommendations which have not yet been fully implemented.

2. The Assistant Secretary for Education at HEW take immediate steps to implement those recommendations which have not yet been implemented.

Background

After title IX of the Education Amendments of 1972 passed Congress, the Commissioner of Education appointed an internal task force to evaluate the effects of the act and to make recommendations for change. Their report, *A Look at Women in Education: Issues and Answers for HEW*, set forth specific and extensive steps for HEW to take to improve educational opportunities for girls and women. Yet over 3 years later, many of the recommendations have not been implemented by HEW, although a few have been (such as training agency staff). It is extremely important that this be done at once. HEW significantly influences education in the United States today through its regulations and by providing some $6 billion of Federal aid to education each year.

Among the recommendations included in the report were the following:

1. HEW should assure that learning materials developed with Federal funds are not sex biased by requiring that plans to avoid sex bias be a condition of funding, and by developing a guidebook for its own staff and contractors on avoiding sex bias.
2. HEW should require all applicants for funding to submit an assurance that they will comply with the requirements of title IX of the Education Amendments of 1972 (which prohibit sex discrimination in federally assisted education programs). [An assurance of this type regarding discrimination based on race, national origin, or color has been required by HEW under title VI of the 1964 Civil Rights Act for a decade.]
3. HEW should make the elimination of sex segregation in career and vocational training a priority.
4. HEW should support the development of training programs designed to help teachers and administrators recognize and overcome sex bias.
5. HEW should take steps to assure that, whenever possible, data (including that collected by the National Center for Educational Statistics) be collected by sex.
6. HEW should make efforts to sensitize Office of Education staff to the problems of sex bias through special training programs.

Civil Rights Survey of Elementary and Secondary Schools [87]

The IWY Commission recommends that:

1. The Department of Health, Education, and

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[86] Recommendation approved by Enforcement of the Laws Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[87] Recommendation approved by Enforcement of the Laws Committee Jan. 9, 1976; by IWY Commission by mail ballot Feb. 1976.

Welfare (HEW) continue its Elementary and Secondary School Civil Rights Survey to be completed annually by all schools.

2. The survey form be revised to contain additional questions concerning sex discrimination, in order to determine institutional compliance with title IX (Education Amendments of 1972), and to collect all data by both sex and race or ethnicity in order to determine patterns of discrimination against minority females.

3. The HEW Office for Civil Rights collect all survey forms for analysis and make this information available to interested parties.

Background

A key element of an effective enforcement program is good information. HEW had collected data annually through a Civil Rights Survey of Elementary and Secondary Schools. The form has not yet been revised to add questions dealing with some aspects of implementing title IX which prohibits sex discrimination. During the summer of 1975 HEW's Office for Civil Rights (OCR) decided to collect the data biannually instead of every year. The decision was also made to send the forms only to schools with 3,000 or more students. Finally, OCR will request these school systems to complete the forms and retain them in their files, but will not require that these forms be returned to OCR for analysis and use in followup compliance reviews.

Title IV Funds of the 1964 Civil Rights Act to End Sex Segregation[88]

The IWY Commission recommends that the Secretary of the Department of Health, Education, and Welfare (HEW) instruct the Commissioner of Education to use funds available under title IV of the 1964 Civil Rights Act to end sex segregation by:

1. Revising the point system for awarding funds under this act, so that projects or training aimed at eliminating sex segregation are not at a disadvantage;

2. Seeking adequate appropriations so that projects aimed at eliminating sex segregation can be funded at an appropriate level without reducing the funds available to end segregation based on the other grounds covered by the law; and

3. Establishing a title IX information center to provide information, materials, and technical assistance to the General Assistance Centers, training institutes, and State agency training programs funded through title IV.

Background

Title IV of the 1964 Civil Rights Act makes available funds for operating general assistance centers and for funding training institutes and State agency training aimed at eliminating segregation based on race, color, religion, national origin, or *sex*. Originally, title IV funds could only be used for desegregation based on race, color, religion, and national origin. However, sex was added by section 906 of title IX of the Education Amendments of 1972.

Until last year, no title IV funds were specifically aimed at desegregation based on sex, even though sex segregation has been well documented in such areas as vocational and career training and physical education.

In 1975 the Office of Education issued the first set of title IV regulations which included the 1972 provisions against sex segregation. However, under the criteria for awarding funds outlined in these regulations, applicants for funds received *half as many points for activities aimed at desegregation based on sex* than they did for activities aimed at eliminating other types of segregation. Consequently, few activities specifically aimed at opening these opportunities for girls and women were funded.

Additionally, even though the 1972 addition of sex as a category under title IV greatly expanded the area covered by the statute, HEW neither asked for nor received appropriations adequate to meet this obligation.

The general assistance centers funded under title IV, as well as other training programs funded under title IV, are receiving requests for information about implementing title IX of the Education Amendments of 1972 which prohibits sex discrimination in federally assisted education programs. However, these centers are at this point neither trained nor equipped to provide the types of information and materials that institutions need in order to comply with title IX. Having a title IX information center would enable these centers and training programs, which are already in operation, to provide important information concerning title IX to schools.

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[88] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

Credit[89]

The IWY Commission recommends that:

1. Each government enforcement agency promptly promulgate and publish rules and regulations to secure compliance with the Equal Credit Opportunity Act (ECOA)—particularly such agencies as the National Credit Union Administration, the Civil Aeronautics Board, the Interstate Commerce Commission, the Packers and Stockyards Administration, the Securities and Exchange Commission, and the Farm Credit Administration.

2. Each enforcement agency promptly revise all compliance forms, handbooks, and other materials used by compliance staff to reflect the requirements of the ECOA and its implementing regulations.

3. An Equal Credit Opportunity Compliance Unit be established in each enforcing agency to direct agency compliance efforts and to process ECOA complaints filed with the agency. Uniform standards and requirements for enforcing ECOA should be promulgated and utilized by the regional offices.

4. The Equal Credit Opportunity Unit of each agency establish procedures to monitor all complaint investigations and compliance reviews conducted by regional offices. The findings and remedial actions taken by regional or central offices should be described in semiannual reports issued by the Equal Credit Opportunity Unit of each agency. These reports should be available for public inspection and should be noted in the *Federal Register* quarterly.

5. Whenever an investigation or compliance review conducted by any enforcing agency indicates reasonable cause to believe that a violation of a sex discrimination prohibition of any Federal statute or executive order has occurred, the ECOA enforcing agency immediately notify the agency charged with enforcing that law or executive order. To facilitate this exchange of information, the ECOA enforcing agencies shall promptly enter into Memorandums of Understanding with other Federal agencies and these memorandums shall be published in the *Federal Register*.

6. Each Equal Credit Opportunity Compliance Unit receive adequate funding and staff to carry out its functions. It shall conduct training sessions for compliance personnel and examiners.

Background[90]

The ECOA amends the Consumer Credit Protection Act. The act became effective on October 28, 1975, and forbids creditors from discriminating against any applicant on the basis of sex or marital status. The term creditor is defined by the act to mean any person who regularly extends, renews, or continues credit, or regularly arranges for the extension of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit. Thus the act covers banks, retail credit institutions, finance companies, department stores, credit card issuers, credit unions of all kinds, and government agencies such as the Small Business Administration.

All types of credit are covered by the act, including credit for business, home financing, education, and consumer credit.

The act is enforced by two kinds of actions: private litigation and actions brought by Federal agencies specified by the statute. The area of responsibility for each agency is the same as that under other statutes.[91] The ECOA provides that violations of the act shall be treated as violations of the acts set out in the footnote, and the agencies may use whatever power and authority is available under those statutes to enforce the ECOA.

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[89] Recommendations approved by Enforcement of the Laws Committee Jan. 8, 1976, by IWY Commission Jan. 16, 1976.

[90] This background data is excerpted from a study on credit by Denise B. Leary, WEAL Legal Defense and Education Fund, under contract with the IWY Commission.

[91] Sec. 704 of the ECOA provides that compliance with the requirements of the Act shall be enforced under:

Sec. 8 of the Federal Deposit Insurance Act, in the case of—

(a) national banks, by the Comptroller of the Currency.

(b) member banks of the Federal Reserve System (other than national banks), by the Board.

The Board of Governors of the Federal Reserve System was given responsibility for issuing regulations to enforce the ECOA for all of the Federal compliance agencies. Each compliance agency may establish rules pertaining to its compliance functions.

Generally, the Federal compliance agencies will not act to resolve individual complaints of discrimination filed with the agency. Rather, they will seek to resolve industry practices of discrimination. An individual complaint may trigger a review if the facts alleged in the complaint indicate that a pattern or practice of discrimination exists.

Civil suits may be filed under the act. An amount equal to the actual damages may be recovered. However, punitive damages may not exceed $10,000 in individual cases and class actions may not exceed the lesser of $100,000 or 1 percent of the creditor's net worth.

The Board of Governors of the Federal Reserve System has issued final regulations to implement the ECOA. They cover the following:

1. Creditors are prohibited from making any statements which would, on the basis of sex or marital status, discourage a reasonable person from applying for credit.

2. Creditors may not refuse to open a separate account to a creditworthy applicant because of his or her marital status.

3. Creditors may not inquire about an applicant's marital status if the account established is an unsecured account. This prohibition does not apply in community property States nor in States which require such information for purposes of determining finance charges or loan ceilings.

4. The use of courtesy titles (such as Mr., Mrs., Ms. or Miss), is not prohibited. However, the creditor must state that the use of such titles is optional.

5. Notice of the passage of ECOA and its provisions must be provided in all credit applications except those where application is made by telephone or orally for an amount to exceed an existing limit on the applicant's account.

6. Creditors may not prohibit applicants from establishing an account in a birth-given first name and surname or a combined surname.

7. Creditors are permitted to request and consider information concerning the applicant's spouse if the spouse will be permitted to use the account or will be contractually liable for it, or if the applicant is relying on community property or the spouses' income as a means of repayment. Creditors may also consider information concerning an applicant's former spouse, if the applicant is relying on alimony, child support, or maintenance payments from the former spouse as a means of repayment.

8. Creditors may ask and consider whether an applicant is obligated to make alimony, child support, or maintenance payments. Creditors are permitted to ask if income is derived from alimony, child support, or maintenance payments, if the creditor first informs the applicant that he or she need not disclose the information.

9. Creditors are not permitted to discount

(c) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.

Sec. 5(d) of the Home Owners' Loan Act of 1933, sec. 407 of the National Housing Act, and secs. 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions.

The Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal Credit Union.

The Acts to regulate commerce, by the Interstate Commerce Commission with respect to any common carrier subject to those Acts.

The Federal Aviation Act of 1958, by the Civil Aeronautics Board with respect to any air carrier or foreign air carrier subject to that Act.

The Packers and Stockyards Act, 1921 (except as provided in sec. 406 of that Act), by the Secretary of Agriculture with respect to any activities subject to that Act.

The Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, and production credit association.

The Securities Exchange Act of 1934, by the Securities and Exchange Commission with respect to brokers and dealers.

The Small Business Investment Act of 1958, by the Small Business Administration, with respect to small business investment companies.

Except to the extent that enforcement of the requirements imposed under the Act is specifically committed to some other Government agency, the Federal Trade Commission shall enforce such requirements.

income solely because it is derived from part-time employment. However, the regulation permits creditors to consider "the probable continuity of such income in evaluating credit-worthiness." This provision has a disparate impact on women who are more likely to be employed part time than are men.

10. Creditors may not use sex or marital status in credit-scoring systems or other methods of evaluating applicants.

11. Creditors may not request information about birth control practices, child-bearing intentions, or the ability to bear children. Similarly, creditors may not use aggregate statistics or assumptions about the likelihood of any group of persons having children, nor the likelihood that such persons will receive less or no income in the future.

Final regulations to implement the ECOA were issued by the Federal Reserve Board on October 16, 1975, 12 days before the act became effective. Since that time, some enforcement agencies have been examining their procedures to enforce the act. The Federal Reserve Board's Task Force on Enforcement of the ECOA has been holding briefing sessions for staff from other agencies.

Federal Deposit Insurance Corporation. The Federal Deposit Insurance Corporation (FDIC) enforces the ECOA for all banks insured by the FDIC except those that are members of the Federal Reserve System (about 8,900).

To enforce the ECOA, the FDIC will rely on its already existing examiner system of about 1,800 examiners in 14 regional offices and the central office in Washington, D.C.

Under the ECOA, the FDIC is empowered to use whatever legal authority it has under Section 8 of the Federal Deposit Insurance Act, including the authority to issue cease and desist orders. Most compliance comes from using conciliation and negotiation. The FDIC Office of Consumer Affairs is preparing a compliance report with instructions to assist examiners in enforcing the ECOA.

Federal Trade Commission. The Federal Trade Commission (FTC) is responsible for securing compliance within the retail credit industry. FTC jurisdiction extends to about 90 percent of all creditors. The FTC will use existing mechanisms, established to enforce the Truth-In-Lending Act, to enforce the ECOA.

The FTC has 12 regional offices responsible for regional creditor compliance with FTC rules and regulations. The Washington, D.C. office is responsible for compliance by national creditors.

The FTC intends to try and respond to each letter or complaint received by it which alleges discriminatory practices under the act. It may direct the individual to another appropriate agency or indicate that private litigation is available under the act.

Office of Comptroller of the Currency. The Office of Comptroller of the Currency is responsible for enforcing the act with respect to national banks. There are 14 regional offices and a central office in Washington, D.C. The office intends to secure compliance with the act by two basic means. The first is by investigating individual complaints received. The office will attempt to determine the facts surrounding the complaint through investigation and try informal methods of conciliation. It is expected that most complaints will be filed with the central office, since it will be listed on the notice of nondiscrimination received by all applicants for credit.

The second method used to enforce the act will be the examiner procedure under which the office examines about 4,700 national banks. The total number of examiners employed is about 2,000. The office tries to examine all banks three times during a 2-year period.

The office is presently revising all of the materials used by examiners to monitor compliance with all statutes under its jurisdiction, such as the ECOA. The office is particularly interested in developing specialized procedures for examining the consumer credit departments of national banks. The office believes most applicants for credit are seeking consumer credit and believes the purposes of the act will be enhanced if special attention is paid to these departments.

Federal Home Loan Bank Board. The Federal Home Loan Bank Board (FHLBB) is responsible for enforcing the ECOA among the 12 Federal Home Loan Banks and the 4,000 savings and loan association members of the FHLBB.

Complaints alleging violations of the ECOA may be filed with the Department of Housing and Urban Development (HUD), (FHLBB shares jurisdiction with HUD pursuant to the Housing and Community Development Act of 1974), with the regional supervisory agent of the FHLBB (the president of each of the 12 Federal

Home Loan Banks), or with the FHLBB in Washington, D.C.

In December 1974, the FHLBB issued regulations and guidelines which prohibited sex discrimination in lending. The Housing and Community Development Act of 1974 amended title VIII of the Civil Rights Act of 1968 to prohibit discrimination based on sex in the sale, rental, or financing of housing. The act also amended the National Housing Act to prohibit sex discrimination in a "federally related mortgage loan."

Lenders making federally related mortgages may not discount the income of a married woman. Lenders are prohibited from refusing to make loans to members of one sex from requiring higher standards of credit worthiness from one sex, and from placing different requirements on loans made to members of one sex.

These regulations and guidelines are being revised by the FHLBB's Office of General Counsel and Office of Examiner Supervision to reflect the ECOA and the regulations issued by the Board of Governors of the Federal Reserve Board.

The FHLBB also intends to provide its 684 field offices with an outline of the nondiscrimination provisions of the ECOA and its regulations. A checklist of civil rights responsibilities will be included, as well as guidelines for measuring whether patterns or practices of discrimination have occurred.

National Credit Union Administration. The Administrator of the National Credit Union Administration (NCUA) is responsible for enforcing the ECOA among the Federal credit unions under the administration's jurisdiction. The administration does not appear to have taken any measures to insure compliance with the ECOA.

The NCUA publishes materials for use by Federal credit unions. Among them are: a Handbook for Federal Credit Unions; an Accounting Manual for Federal Credit Unions; a Credit Manual for Federal Credit Unions; Data Processing Guidelines for Federal Credit Unions; and an Annual Report of Operations.

The NCUA uses an examiner system for monitoring credit union compliance with the requirements of the Federal Credit Union Act. These examiners work out of six regional NCUA offices. The NCUA generally intends to use these examiners to enforce the ECOA. The NCUA has the power to issue cease and desist orders against violations of the act.

NCUA Regulations Section 701.31 requires that Federal credit unions include a nondiscrimination notice in all advertisements for loans for the purchase, improvement, repair, or maintenance of a dwelling. But nondiscrimination on the basis of sex is not included. Federal credit unions are also required to place a notice of the credit union's compliance with title VIII of the Civil Rights Act of 1968. Title VIII was amended in August 1974 to include a prohibition against discrimination based on sex. Yet NCUA regulations fail to reflect this amendment.

Civil Aeronautics Board. The Civil Aeronautics Board (CAB) is responsible for securing compliance with ECOA by all domestic air carriers and foreign air carriers subject to the Federal Aviation Act of 1958. All major air carriers are covered under this provision.

Despite the CAB's responsibility under the ECOA, there appears to be no program to enforce its provisions, and no person designated within the agency to provide relevant information.

Interstate Commerce Commission. The Interstate Commerce Commission (ICC) is responsible for securing compliance with the ECOA among all common carriers subject to Federal statutes regulating commerce. The ICC has barely begun to establish procedures to enforce the act. It has not yet determined and defined the common carriers who extend credit (Regulations Parts 1320–1329) and are covered by the act. The ICC is likely to use its existing procedures to enforce the ECOA, which include complaint investigations, cease and desist orders, and revocation or suspension of carrier authority to operate.

Packers and Stockyards Administration. The Packers and Stockyards Act of 1921 regulates the activities of those engaged in the interstate sales or shipment of livestock, meat and food products, dairy products, poultry and poultry products, and other similar goods. The Secretary of Agriculture has overall responsibility for enforcing the act. The ECOA designates the Packers and Stockyards Administration as the enforcement agency for creditors subject to the act.

There appears to be no substantive action taken by the Packers and Stockyard Administration to implement the ECOA other than the designation of regional offices as enforcement offices.

Small Business Administration. The Small Business Administration (SBA) is responsible for enforcing the ECOA in the Small Business Investment Companies subject to its jurisdiction. The SBA is in the process of revising its substantive regulations concerning small business investment companies. When this procedure is completed, the SBA intends to implement procedures which will notify all new SBA borrowers of the requirements of the ECOA. It also intends to update its own compliance procedures to reflect the requirements of the ECOA and conduct on-site reviews of small business investment companies.

Present regulations designed to carry out general Federal nondiscrimination policies do prohibit sex discrimination in financial assistance programs of the SBA. These regulations will be amended to include a prohibition against discrimination based on marital status.

The SBA intends to investigate all complaints that fall within its jurisdiction under the act. Its compliance staff numbers about 41 and there is one "duty officer" for each of the eight regional offices. The SBA may recall loans or terminate further funding for violations of the ECOA.

Securities and Exchange Commission. No information concerning procedures and enforcement mechanisms could be obtained. There appears to be lack of understanding of the requirements of the ECOA, and repeated calls to the Securities and Exchange Commission were fruitless.

Farm Credit Administration. The Farm Credit Administration (FCA) is responsible for securing ECOA compliance by 981 banks and credit associations under its jurisdiction. The FCA does not appear to have implemented a program to enforce the ECOA. It has indicated, however, that it will probably use its annual audit system as a means of monitoring compliance.

Consistent Policy Guidelines Among Civil Rights Agencies[92]

The IWY Commission recommends that the President direct all agencies with civil rights functions to adopt uniform policy guidelines on public and private employment matters. Whenever there is a variance among agencies, the Equal Employment Opportunity Commission (EEOC) position should prevail because their current guidelines provide the most protection.

Background

In 1971 the Commission on Civil Rights reported a lack of coordination among agencies charged with civil rights responsibilities, resulting in "a critical misuse of limited staff resources and the dissipation of enforcement potential." Symptomatic of the problems of the failure to join forces were instances of inconsistency in the standards used by the agencies to evaluate employment practices of an employer.[93]

An informal coordinating structure set up in 1969 resulted in development by the EEOC and the Office of Federal Contract Compliance Programs (OFCCP), Department of Labor, of compatible regulations on employee selection standards (testing). To promote this informal agreement, Congress, under the leadership of Senator Jacob Javits, set up the Equal Employment Opportunity Coordinating Council.[94]

Although the agencies concerned[95] were able to issue a policy statement about the definitions of goals and quotas, variance continues among the agencies in setting uniform employment policies. For instance, EEOC and OFCCP do not currently agree on health, disability, and pension benefits. EEOC requires that employers pay premiums to assure that employees receive equal benefits,[96] but OFCCP allows employers to do either that or to pay equal premiums resulting in unequal benefits for employees.[97]

Since the courts have upheld EEOC's testing and sex discrimination guidelines, EEOC is the appropriate agency to set civil rights policy for the executive branch.

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[92] Recommendation approved by Enforcement of the Laws Committee Dec. 4, 1975; by IWY Commission Jan. 16, 1976.

[93] *The Federal Civil Rights Enforcement Effort—1974*, "To Eliminate Employment Discrimination", vol. V, pp. 576–77.

[94] Equal Employment Opportunity Act of 1972, Public Law 92–261, sec. 715 (1972).

[95] Commission on Civil Rights, Civil Service Commission, Department of Labor, EEOC, and Department of Justice.

[96] 29 CFR, sec. 1604.9.

[97] 49 CFR, sec. 60–20.3(c).

Ideally the IWY Commission would like to see the insurance companies develop unisex tables for all types of insurance to eliminate the sex-based distinctions. Until that time, the EEOC position on fringe benefits should prevail.

Policies for Secretaries' Employment[98]

The IWY Commission recommends that all managers, supervisors, and personnel officials, in both private and public employment, adhere to the following principles when filling vacancies and when developing employment policies:[99]

1. The secretarial job should be viewed not only as a career in itself, but also as one access route to other professional and technical jobs.

2. Career ladders accessible to secretarial employees at all pay levels should exist, providing pathways into other occupational fields.

3. Information about all types of job and training opportunities should flow freely to all employees. A secretary should receive information not only about secretarial opportunities, but about others as well.

4. Job candidates' experience should be routinely evaluated upon their acquired skills and past performance, both in paid and unpaid positions, and not primarily upon their previous job title.

5. Training agreements (or similar mechanisms) for qualifying underutilized or dead-ended employees for more promising positions should exist in each place of employment.

6. Supervisors should be heavily involved in career development activities with their employees and should be rated quite clearly upon their attention to this aspect of managerial responsibility.

7. A prime source of talent for filling vacancies should be current employees.

8. Substantial movement should take place between secretarial jobs and other occupational fields.

Secretaries' Pay in Federal Employment[1]

The IWY Commission recommends that the U.S. Civil Service Commission (CSC) conduct a study of the extent of correlation between the grades[2] of Federal secretaries and those of their supervisors in order to determine if Federal classifiers, in setting secretaries' grades, are giving undue weight to the supervisors' grades. If the study reveals an unusually high correlation, CSC should undertake supplemental training and instructions for agency classifiers.

Background

CSC officials say that classifiers use three factors in evaluating and establishing secretaries' grades: (1) the scope of the supervisor's administrative responsibility; (2) the extent of the secretary's participation in the administrative responsibility; and (3) the secretary's steno-typing and dictating skills.[3] But many women claim that, in actual practice, the secretary's grade is tied to the supervisor's grade with the other factors being ignored. For instance, if a supervisor is a GS–14, the secretary is a GS–5; if the supervisor is a GS–15, the secretary is a GS–6; etc.

The qualification standards for secretarial jobs allow a range of grades from GS–3 to GS–11.[4] In practice, however, most secretaries cannot advance under the title of secretary beyond GS–6, except for a few select cases. To move beyond GS–6, most employees must change job titles to administrative assistant (GS–5 to –7).

If the claims are true that secretaries' grades are tied to those of their supervisors, the above-mentioned study would demonstrate it through an unnaturally high correlation between the supervisors' and secretaries' grades. This would establish, for CSC officials, that classifiers are not correctly using the standards in classifying secretaries' positions. CSC would then take appropriate action such as supplemental training for classifiers or issuance of new instructions in the Federal Personnel Manual.

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[98] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

[99] Substantially similar to recommendations of the Department of Health, Education, and Welfare Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[1] Recommendation approved by Enforcement of the Laws Committee Nov. 18, 1975; by IWY Commission Dec. 5, 1975.

[2] Numerical General Schedule (GS) rating which determines salary.

[3] Testimony of H. Alan McKean, Chief, Standards Division, Bureau of Policy and Standards, CSC, Oct. 16, 1975.

[4] X–118 Qualifications Standards for "Secretary, Secretary-steno or Secretary-typing, Job Series 318," CSC, June 1974.

Dictionary of Occupational Titles[5]

The IWY Commission recommends that:

1. The Secretary of Labor be required to revise the system of job analysis and classification as used in compiling the *Dictionary of Occupational Titles (DOT)*, as recommended by a federally funded study.[6]

2. The Secretary of Labor appoint as head of the Division of Occupational Analysis a manager who is sensitive to the biases in the *DOT*, as pointed out in the study, and who will initiate corrective actions.

3. The *DOT* staff extensively review the jobs in the expanding human services field with the aim of listing more in the *DOT*.

4. The *DOT* staff issue the *DOT* in looseleaf form so that parts of it can be updated periodically, and so that the 1976 publication need not be delayed.

5. The Department of Labor hold training sessions for Field Center Network personnel to educate them to some types of subtle biases in job evaluations uncovered by the *DOT* study.

Background

The University of Wisconsin—Extension received a Manpower Administration-funded grant to review the *DOT*, to analyze and assess the occupational analysis process and system, and to recommend the changes needed in the method of job analysis and in the coding of job complexity skills. First published by the U.S. Department of Labor in 1939, this encyclopedia of occupations was originally designed for the U.S. Employment Service, which now relies exclusively on its contents to define individual jobs in the world of work.

The third and most recent edition (1965) of the *DOT* lists and assesses the tasks of 21,741 salaried occupations. The duties of these occupations are defined in Volume I of the *DOT* and are arranged alphabetically by job title. Each job is listed with a six-digit numerical code identifying its place in the world of work by occupation and skill complexity. The skill complexity is always expressed by the second three digits of the code.

The length of training contracts for apprenticeships must be calculated according to the skill-complexity code (also called the worker-function code) assigned to a job. The staff reviewing the *DOT* soon discovered that a significant number of jobs not requiring college degrees, traditionally performed by women, are not apprenticeable because of their *DOT* skill-complexity codes. Assigned the lowest possible ratings, subprofessional jobs in the human services sector are depicted as occupying the bottom rung in a hierarchical world of work arranged to reflect supposed job complexity. At least 65 government agencies rely on the *DOT*'s vision of the world of work to expend job training funds and to formulate manpower programs, policies, and procedures.

A flurry of publicity accompanied the review project's establishment. Most of it centered on the fact that the *DOT* rates jobs such as MARINE MAMMAL HANDLER, BARBER, and BUS DRIVER to be far superior in complexity to traditional women's work, including FOSTER MOTHER, NURSERY SCHOOL TEACHER, and HOMEMAKER. Perhaps because the latter jobs historically have been performed by women working without pay, the *DOT* portrays the sum total of their tasks as equivalent to such a *DOT* entry as PARKING LOT ATTENDANT, in terms of the Data-People-Things demands which are the functions expressed by the three-digit skill code.[7]

Based on the results of its work, the *DOT* Research Project concludes that the *Dictionary of*

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[5] Recommendation approved by Enforcement of the Laws Committee Nov. 18, 1975; by IWY Commission Dec. 5, 1975.

[6] Patricia Naherny and Mary Witt, "Women's Work—Up from .878," University of Wisconsin—Extension, Jan. 1975, pp. 21, 22.

[7] Throughout this Background section, job titles are capitalized according to *DOT* practice. Unusual terms used—Data-People-Things, People-oriented, Data, etc.—reflect *DOT* usage.

Occupational Titles systematically—though not purposely—discriminates against virtually all nondegreed, People-oriented women's jobs at great loss to the public in general and to women in particular. Although the project staff uncovered no conscious attempt on the part of the Division of Occupational Analysis and its field centers to downgrade the complexity of women's work, the verdict is harsh. By failing to develop the job analysis tools necessary to express interpersonal aptitudes, knowledges, and skills, the Division of Occupational Analysis has produced a *DOT* that shortchanges traditional women's work by inaccurate coding, and denies the existence of subprofessional jobs in the human services.

Project findings show that jobs suffering most are the salaried derivatives of homemaking and mothering, particularly those at the paraprofessional level in the fields of health, education, and welfare. Within the past 20 years, this stratum of the world of work has experienced tremendous growth, as demonstrated by a partial listing, at right, of paraprofessional jobs for which U.S. colleges and universities were offering training in 1970–71.[8] But as perceived by its technicians, the *DOT*'s world of work has had neither the time nor the place for these nondegreed jobs and others providing caring, counseling services in health, education, and welfare.

Derivatives of homemaking and mothering, which logically should have formed the foundation for occupations in the human services, are instead reduced to forms of custodial or menial work, seeming to require only the most rudimentary of interpersonal skills. For instance, FOSTER MOTHER and HOMEMAKER (paraprofessional assistants to CASEWORKER, FAMILY) are, by occupational division and skill-complexity code, depicted as domestic service jobs equivalent to MAID. Day care occupations are combined under the title NURSERY SCHOOL TEACHER and assigned the same skill-complexity code as BABYSITTER. HOME ATTENDANT (HOME HEALTH AIDE), the bottom rung in the nursing profession, is denied a place in the *DOT*'s medical services industry and is given no significant relationship to Data indicative of job training and responsibility.

Adult Education Aide
Child Care Aide
Child Health Associate
Community Development Aide
Community Health Aide
Community Service Aide
Day Care Aide
Dietary Aide
Early Childhood Assistant
Family Assistant
Family Welfare Assistant
Home Economist's Assistant
Home Health Aide
Home Management Aide
Human Service Aide
Mental Health Aide
Mental Health Technician
Neighborhood Aide
Nursing Assistant
Nutrition Assistant
Psychiatric Aide
Recreation Aide
Rehabilitation Assistant
School-Community Aide
Social Service Aide
Vocational Counselor Aide
Youth Advisor

In sum, project findings show that the *DOT*'s disposition of the paid derivatives of homemaking and mothering can be characterized in one or more of the following ways:

1. "Women's work" is *underrated* in the *DOT:* Using *DOT* job analysis theory and procedures, project researchers have shown the necessity for amending skill-complexity codes currently assigned to jobs in nutrition, child care, homemaking, and home health aide work. Among the most dramatic changes approved by the Wisconsin Center are the codes that have been determined by the Project to express Data-People-Things functions in core "women's work" jobs. From .878, the lowest possible skill-complexity level, the codes for HOMEMAKER, HOME ATTENDANT, and NURSERY SCHOOL TEACHER have been revised upward by the project to their proper levels of .124, .354, and .228, respectively.

2. "Women's work" is made to seem *nonexistent* by the *DOT*: Perhaps one of the harshest forms of discrimination is neglect. In its study of subprofessional jobs in child care, homemaking, and home nursing, the *DOT* Research Project spent more than two thirds of its time analyzing and reporting so-called "new" jobs, many of which existed before publication of the last edition of the *DOT*. The study of HOMEMAKER, for instance, led to the discovery of five separate, well-defined entries, some requiring college degrees and all fully functioning components of this important teaching-caring-counseling unit found in most social service agencies. A brief foray into home nursing via the HOME ATTENDANT revealed that a reviewing project could spend months updating the *DOT*'s portrayal of jobs in public health

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[8] U.S. Department of Health, Education, and Welfare, *A Summary of Paraprofessional Training in Colleges and Universities 1970–71* (Wash., D.C.: U.S. Government Printing Office, 1972).

alone. But no field offered a greater challenge than day care. More than 20 new entries were prepared in the frustrating knowledge that they represent only a fraction of the jobs that should appear in the next edition of the *DOT*.

3. "Women's work" is *undefinable* under current *DOT* job analysis theory: *DOT* job analysis theory is inadequate as a means of defining the nature of People-oriented jobs at a subprofessional level. For instance, the *DOT*'s definition of Specific Vocational Preparation fails to specify the unpaid work of homemakers and mothers among its various skill-developing experiences; therefore, salaried derivatives of homemaking and mothering frequently appear to be unskilled.

Moreoever, theoreticians have placed heavy emphasis on the amount of formal education traditionally associated with a job, much to the detriment of nondegreed occupations. By virtue of their degrees, a CLERGYMAN, a UROLOGIST, an ANESTHESIOLOGIST, and a DEAN OF BOYS are among the *DOT* entries receiving the highest rating for People. On the other hand, FOSTER MOTHER, a demanding but degreeless job entailing the rearing of children is assigned the second lowest People rating.

Once a nondegreed, People-oriented job is assigned a 7, it is generally relegated to the Service Category, where the worker assumes the functions of a servant, acting on orders, with no significant relationship to Data and a robotlike relationship to People. This, unfortunately, has been the fate of the most traditional of "women's work" since the Caring-Counseling level of People relationships does not exist in *DOT* theory. The fact is that the *DOT*'s tools for expressing Data-People relationships are largely undeveloped, rendering "women's work" beyond the scope of the *DOT* analyst's vocabulary.

Some Exceptions to a Rule: The Dynamics of Discrimination

As stated earlier, the project found no evidence that the *DOT* technicians deliberately set out to discriminate against "women's work." There are two exceptions which, upon closer inspection, help to explain the pattern of sex discrimination in the *DOT*.

Group I: Degreed jobs and professional power. Many jobs calling for a college degree are considered "women's work": DIETITIAN, HOME ECONOMIST, PHYSICAL THERAPIST, and CASEWORKER. And yet, the *DOT* makes no distinction between these entries and degreed jobs associated with men. The equalizer, as previously noted, is the prerequisite college education. But just as important is the membership in a professional organization that comes with a specialist's degree.

The Division of Occupational Analysis openly acknowledges that it relies on various white-collar professional organizations for assistance in preparing *DOT* entries. This collaboration can supersede the Division analyst's on-site observations and interviews. The several hundred jobs belonging to the *DOT* industry labeled Professional and Kindred Occupations are somehow categorized without the industry's ever being analyzed by a Division Field Center. But even when degreed jobs belong to routinely analyzed industries, such as Medical Services, their definitions may be subject to the approval of professional organizations, especially by bodies as powerful as the American Medical Association or the American Physical Therapy Association. Thus many degreed jobs enjoy a position in the *DOT*'s world of work that mirrors the image promoted by their respective societies or associations.

Dependency on vested interests seriously jeopardizes any claims the *DOT* might make to impartiality. Of special concern to the *DOT* Research Project is the white-collar professional organizations' neglect and devaluation of paraprofessional jobs in health, education, and welfare. For, as the project has learned by comparing the results of fieldwork with the picture painted by some professional journals, the traditionalists among the ranks of the degreed tend to resist acknowledging the significance of that specially trained worker known variously as an aide, assistant, technician, etc.

Progressive professionals in the fields of dietetics, homemaking, education, and nursing have spoken candidly about this problem. Bernice Mallory, retired senior program officer with the Division of Vocational and Technical Education, HEW, writes about it:

> "For a variety of reasons, some professionals do not want auxiliary workers as part of their organization. They may fear that the auxiliaries will take over their jobs. They may not want to give up the tasks an auxiliary can perform. They may not feel comfortable directing an auxiliary worker because they do not have competency as supervisors. They

question the theory that nonprofessionals can make a contribution to the programs.

Do auxiliary workers have a place in today's society? They do. They are a significant part of the labor market and it behooves us to get with it!"[9]

Group II: Factory work and the manning tables. During the first year of the *DOT* Research Project, studies of hospital and school food service yielded little indication that the sex-linked, nondegreed jobs found there were miscoded in the *DOT*. Nor does it appear that the *DOT* discriminates against the many jobs performed by women in light industry.

Bias is absent in these cases because these are production jobs. Analysts generally agree that the least difficult assignment in job analysis is the Thing-oriented job. Little more than observation is required to prepare a verifiable statement of the nature and purpose of job functions.

The relative ease with which Thing-oriented operations can be described, measured, and classified is one reason jobs in industry dominate the pages of the *DOT*. As field center analysts artlessly explained to project staff, derivatives of homemaking and mothering are generally given short shrift because they are among the most "difficult" of jobs to evaluate.

As specific proposals, the *DOT* study[10] recommends:

1. Review and revision of *DOT* job analysis theory and related structural characteristics of the *DOT*'s world of work, including but not limited to the following:

- Revision of the *DOT*'s present Industry Arrangement, so that service occupations would be classified with the same precision accorded factory jobs to insure proper coverage and equitable treatment of subprofessional human service occupations.
- Amendment of the present People "hierarchy," specifically by (1) inserting a separate Caring-Counseling level, (2) simplifying the definition of Serving, and (3) combining Diverting and Persuading to form a single function. The purpose is to facilitate analysis of People-oriented work by providing analysts with a comprehensive list of People relationships arranged from the complex to the simple.
- Elimination of the worker function level No Significant Relationship, which is represented by the numeral 8 in the three-digit skill-complexity code. The routine assignment of this rating creates confusion and misunderstanding among users of the *DOT* by masking real ratings on a purely arbitrary basis.

2. Immediate implementation of the Office of Equal Employment-approved plan to eliminate all reference to sex in base titles of the forthcoming edition of the *DOT*, in order that the world's most comprehensive source of job information not unlawfully perpetuate sex stereotyping in employment.

3. Referral upon receipt of occupational code requests (ES 282) to the Field Center system for immediate study, with documented determinations returned promptly in writing to the point of origin. The purpose is to provide manpower programs with the information necessary to carry out their mandate and to insure the inclusion of new jobs and altered codes in future editions of the *DOT*.

4. Development of an attitude of accountability to the user of the *DOT*, whereby the Division of Occupational Analysis issues supplements to the *DOT* frequently enough to provide an up-to-date resource for manpower training and development programs.

5. Discontinuation of *DOT* data collection policies favoring professional organizations and the occupations they represent, to insure fair and equitable, first-person coverage of all jobs, including paraprofessional work.

6. Development and implementation of an affirmative action plan increasing the number of women professionals at all levels within the Division of Occupational Analysis and its field centers. The purpose is to eliminate from the *DOT* negative attitudes toward the abilities and contributions of women.

7. Promotion of a system-wide communication by the Division of Occupational Analysis to permit field centers to pool data, to cooperate in research activities, and to establish working relationships with State manpower agencies so as to insure that future editions of the *DOT* are accurate and useful.

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[9] Bernice Mallory, "Auxiliary Workers in Today's Society," *Journal of Home Economics*, 63:5, May 1971, p. 330.

[10] University of Wisconsin study, *op. cit.*

Implementing these recommendations will not involve any major additional expense.

EEOC Action on Cases Dealing With Work of Equal Value[11]

The IWY Commission recommends that the Equal Employment Opportunity Commission (EEOC) immediately file court actions in selected cases which would develop precedents for eliminating sex discrimination in wages for work of equal value.

Background

Under the Equal Pay Act of 1963 as amended by Section 906 (b) (1) of the Education Amendments of 1972 and as modified by legal interpretation and court decisions, jobs are compared that involve "substantially" equal work. This is not the same as "equal pay for work of equal value," first ratified by the 1951 International Labor Organization Equal Remuneration Convention (No. 100).[12]

The Equal Pay Act mandates equal pay for male clerks and female clerks doing essentially the same work but does not require equal pay for men and women doing work of equal value, such as an electrician and an industrial nurse.

Work of equal value is just beginning to be studied, as sexism is being uncovered in job evaluation systems. The State of Washington conducted a "Comparable Worth Salary Study" of State and higher education jobs.[13] Using a point evaluation method, committees evaluated 121 jobs that engaged 70 percent or more men or women. The committees found an overall disparity of 20 percent between men's and women's jobs of comparable value, the women's being lower in all cases and the greatest discrepancy being in the higher education jobs. No doubt similar discrepancies exist in other States as well as in private and Federal employment.

Many legal scholars feel that the EEOC has the authority to bring to court cases dealing with the disparity in wages between men's work and women's work of equal value. Section 703 (h) of the 1964 Civil Rights Act, as amended (the Bennett Amendment), reads:

> It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

Some persons interpret this phrasing to exclude the EEOC from entering into matters covered by the Equal Pay Act. The Equal Pay Act does not prohibit differentiation in wages on bases other than sex, such as merit and seniority. However, the legal mandate of EEOC to eliminate sex discrimination in employment could be interpreted broadly enough to cover work of equal value.

EEOC has participated recently in two relevant cases: In the *Laffey* v. *Northwest Airlines* case,[14] the EEOC filed *amicus curiae* briefs at both the district and circuit court levels stating that even if the employment practices were not a violation of the Equal Pay Act, they would be a violation of title VII of the 1964 Civil Rights Act. The court concurred at the district level; no higher opinion has been rendered. At the Federal District Court level in *Wetzel* v. *Liberty Mutual Insurance Company,* the issue lies with female claims agents and male claims adjusters. The work is basically the same for both jobs but the adjusters (males) must travel to do on-site investigations. The court agreed that this is a violation of title VII, but no opinion had been issued by December 1975.

Job Evaluation Guidelines[15]

The IWY Commission recommends that the Equal Employment Opportunity Commission

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[11] Recommendation approved by Enforcement of the Laws Committee Nov. 18, 1975; by IWY Commission Dec. 5, 1975.

[12] Letter from Morag Simchak, Women's Activities Advisor, O/LAB–AID, to Mildred Marcy, Coordinator, IWY Secretariat, Oct. 7, 1975.

[13] "State of Washington Comparable Worth Study," Norman D. Willis & Associates, Management Consultants, Sept. 1974.

[14] 336 F. Supp. 763

[15] Recommendation approved by Enforcement of the Laws Committee Nov. 18, 1975; by IWY Commission Dec. 5, 1975.

(EEOC) develop and promulgate guidelines to be used to determine if job evaluation systems or other methods of determining wages, salaries, or pay rates, discriminate on the basis of sex.

Background

Frequently job evaluation systems emphasize factors most closely associated with men's jobs, such as weight lifting and working conditions, while ignoring or minimizing factors associated with women's jobs, such as manual dexterity. One example is *Laffey* v. *Northwest Airlines* (366 F. Supp. 763), now on appeal to the Circuit Court of the District of Columbia.

The court found that the airline had violated both the Equal Pay Act and title VII of the 1964 Civil Rights Act in paying pursers (primarily male) more than stewardesses (primarily female). Historical practices had resulted in pursers receiving $200 to $300 a month more, plus larger hotel allowances. In preparing for the court action, the airline hired industrial engineers who prepared job evaluations justifying the wage differential.[16] They omitted the standard evaluation factor of "hazard." Since most stewardesses were on shorter flights undergoing more takeoffs and landings, the most hazardous part of flying, while the pursers were on longer flights, the inclusion of "hazard" would have raised the stewardesses' pay rates.

Other deficiencies in various job evaluation methods which adversely affect women are: bias regarding the value of the work, based on the salary of the incumbent; failure to take into account various levels of responsibility in such jobs as secretary; arbitrary use of factors that do not apply to all jobs; and applying a job evaluation system without tailoring it to fit a specific organization.[17]

The EEOC has issued very fair guidelines on other topics (e.g., testing to determine suitability for employment and sex discrimination), to be followed by private employers. Therefore, the committee recommends that the EEOC be the agency to develop the job evaluation guidelines.

The primary effect of the guidelines would be to introduce pay comparability within one company, which would have no effect on pay rates for equal work or work of equal value between companies. There would be no substantial cost increase for EEOC to prepare these guidelines.

Public Officials' Hiring Practices[18]

The IWY Commission recommends that:

1. Women's organizations question all challengers and incumbents seeking election—as U.S. Representative, U.S. Senator, Governor, county executive, mayor, or other public official—about their hiring practices in the past and their future plans regarding women. The question should be included in "Voters' Guides" and other educational literature.

2. All candidates for public office issue, as part of their platform, a pledge not to discriminate on the basis of sex in their personnel practices.

Background

None of the laws covering Federal employees applies also to the legislative branch. On January 14, 1975, the U.S. House of Representatives adopted House Resolution 5, which added to Rule XLIII the following wording:

> A member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin.

Senate Resolution 89 introduced on February 24, 1975, by Senator Lee Metcalf, was referred to the Committee on Rules and Administration. No further action has been taken on it. The House rule is a pledge and carries no enforcement mechanism. There are no job descriptions or specific qualification criteria for jobs, as there are for the executive branch.

A 1974 study by the Capitol Hill Women's

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[16] Conversation with Dennis Clark, lawyer for the plaintiffs, Nov. 19, 1975.

[17] "Sexism in Job Evaluation Methodologies," testimony by Judith M. Collins, Cresap, McCormick, & Paget, Inc., Oct. 16, 1975.

[18] Recommendation approved by Enforcement of the Laws Committee Dec. 4, 1975; by IWY Commission by mail ballot Feb. 1976.

Political Caucus uncovered pay discrepancies between men and women employed by the Senate. Even among those earning $18,000 or more annually, the median salary for women was $22,627, and for men $28,091. Thirty offices employed only men at the higher salary levels, while no offices employed only females. Salary discrepancies were the greatest among press professionals where the media salary for females was $10,878 compared to the male median salary of $26,600.[19]

Women in Construction[20]

The IWY Commission recommends that the Office of Federal Contract Compliance Programs (OFCCP) immediately issue instructions that goals for women shall be included in all federally imposed and hometown plans when renegotiated or when initially developed. The goals for hirings at the journeyman level should be double the percentage of women working, in each craft covered in each locality, according to 1970 Bureau of the Census figures. The goals for hirings in apprenticeship programs should be 10 percent initially, increasing by 3 percent to 5 percent a year until 50 percent is reached. All OFCCP instructions on construction should be revised to include women.

Background

Under Executive order authority (Executive Order 11246, as amended), the OFCCP has concentrated on getting minority men into the construction trades. The first hometown construction plan, and probably the most famous, since ruled legal by the Supreme Court, is the Philadelphia Plan. Currently over 60 voluntary hometown or imposed plans are in effect around the country.

OFCCP has devoted most of its resources to integrating the construction trades. A 1975 General Accounting Office (GAO) study revealed that, of seven OFCCP field personnel, six were assigned to construction.[21]

OFCCP's failure to include goals for women in home-town and imposed plans is probably illegal.

In 1967, Executive Order 11246 was amended by Executive Order 11375 to add sex as one of the prohibited forms of discrimination. Part II of Executive Order 11246 (Nondiscrimination in Employment by Government Contractors and Subcontractors) was amended, setting requirements for *both* construction and nonconstruction contract compliance. The sanctions in Part III (Nondiscrimination Provisions in Federally Assisted Construction Contracts) are those listed in Part II. And, since Part III does not contain a list of prohibited forms of discrimination, the ones in Part II apply—race, color, religion, sex, or national origin. Thus, Executive Order 11246 clearly prohibits discrimination because of sex in construction as well as nonconstruction contracts.

Under current operations, compliance agencies with responsibility for construction have investigated complaints of sex discrimination in employment, but have not had the authority to require affirmative action or goal-setting by construction contractors. Many employees of compliance agencies have been pushing OFCCP for several years to do something about goals for women in construction. One compliance agency in Chicago has approached the problem in this way: In nonplan cities in the region, contractors may fill their employment goals with minority males, minority females, or white females.

OFCCP has been slow even to hear public comment about including goals for women in construction. In July 1974 OFCCP held a briefing for compliance officers on the then new Order No. 14. In response to a question from the audience, the OFCCP program manager for construction, Robert Owens, replied that OFCCP would be holding hearings shortly on women in construction. However, the first time that occurred was a hearing for the Baltimore Plan, on October 15–16, 1975.

One reason frequently cited for omitting women from goal-setting in construction is that skilled women are not available in the construction crafts. The facts demonstrate that skilled women are available in many crafts. The 1970 census[22] shows that in the Baltimore[23] metropolitan area, women were employed in the following numbers in 1970:

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[19] "Sexists in the Senate," a study of differences in salary by sex among employees of the U.S. Senate, Capitol Hill Women's Political Caucus, May 1975. NOTE: Every 6 months, reports are published giving employees in the office of each Member of Congress by name, job title, length of tenure (if employed for less than the 6 months), and salary. These reports are called "Report of the Secretary of the Senate" and "Report of the Clerk of the House."

[20] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

[21] "The Equal Employment Opportunity Program for Federal Non-construction Contractors Can be Improved," GAO, #MWD–75–63, Apr. 29, 1975, p. 10.

Craft	*Men*	*Women*	*Total*	*Percent Women*
Boilermakers	409	9	418	2.15
Carpenters	8,923	109	9,032	1.21
Electricians	5,632	131	5,763	2.27
Floor layers, except tile	243	8	251	3.19
Furniture and wood finishers	192	26	218	11.93
Glaziers	253	6	259	2.32
Mechanists	4,354	118	4,472	2.64
Painters, construction, and maintenance	3,843	94	3,937	2.39
Paperhangers	140	5	145	3.45
Plumbers and pipefitters	4,649	52	4,701	1.11
Roofers and slaters	579	16	595	2.69
Sheetmetal workers and tinsmiths	2,048	27	2,075	1.30
Drywall installers and lathers	447	5	452	1.11
Furnacemen, smeltermen, and pourers	1,243	36	1,279	2.81
Metalplaters	245	4	249	1.61
Welders and flamecutters	5,255	458	5,513	8.31

These women were working in these crafts despite opposition from unions and, for the most part, denial of union membership. Since the census data is out of date, the numbers represent a minimum, since women are entering nontraditional fields, such as the skilled crafts, in increasing numbers. The Manpower Administration, through the Concentrated Employment Training Act (CETA), is training women in the skilled crafts. As an example, the October 7, 1975, *Washington Post* ran an article about a joint CETA–Xerox program to train 12 women as welders—women who otherwise would have been on welfare.

In California, the number of women apprentices has increased substantially in the last 8 years from 31 to 267. While these figures are not relevant to Baltimore per se, they show what can and has been done in another locality. This is especially important because the major means for women to enter the construction crafts is through apprenticeship programs.

But on what should the proposed goals be based? In some discussions it is felt that the goals should start out with a 1 percent goal for each craft, on the theory that it is as good a number as any. In reviewing the census figures on women in skilled crafts in 1970, it is apparent that certain crafts had more than 1 percent of women 6 years ago. So a 1 percent goal would be much too low in most cases as the goal for hiring journeyman craft workers. The goals for direct hirings at the journeyman level should be at least double the 1970 figures.

The real issue lies in the inclusion of women in apprenticeship training programs. Here, women do not have to prove that they have already acquired the skill elsewhere, probably at their own expense. Women with potential, like men, can be hired as apprentices and trained on the job. Since no skills are required, except the ability to pass the apprenticeship exam, we recommend a starting goal of 10 percent of all apprentices in all crafts, increasing by a range of 3 percent to 5 percent a year until a final goal of 50 percent is reached. The goals should be set on exactly the same standards used to calculate goals for minorities, and should not incorporate the double standard of percentages of women in the work force used in Revised Order No. 4.

Strides forward in integrating women into the construction crafts cannot be made unless contractors and unions believe OFCCP means to increase employment for women in the construction field. OFCCP staff will need to take strong and visible steps to correct the past lethargic performance.

In summation, the committee strongly supports goals for women in *all* hometown and imposed plans, both new ones and those coming up for renewal. Data, although incomplete and not up to date, is available on which to base goals. The key is to set goals, now, and revise them later if they become unworkable, after *strong*, good faith efforts.

Women in the Military[24]

The IWY Commission recommends that:

The President require the military services to eliminate all sex discrimination in enlistment and promotion standards and in assignment of

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[22] Bureau of the Census, vol. P6(1)D–22, "Detailed Characteristics" (Maryland), Table 171.

[23] Selected as a typical large city.

[24] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

duties at all levels, including flag rank, and to begin immediately enrolling and promoting women under the same standards as those used for men.[25]

Until the first recommendation is accomplished, the services should take immediate action to permit the prompt induction of all women volunteers who meet the present very high standards.

Professional, education, women's, and other organizations should inform themselves about military life so that women may have full information concerning career opportunities for women in the military services as well as other careers.

Background

The report of the Department of Defense (DOD) to the IWY Interdepartmental Task Force, which contained an evaluation of a sampling of DOD programs' impact on women, underscores the increasing attention given to women as important participants in national defense.

DOD is to be commended for the various recruitment and officer commissioning programs which have in the past few years been opened to women; most recent, of course, the opening of the military academies by legislation in 1975.

It should be noted that the Navy is exploring the possibility of requesting a modification to title X of the *U.S. Code* which places restrictions on the use of women in combat to allow the assignment of women to aircraft and vessels not engaged in combat missions.

Such efforts by DOD to expand the roles and expectations of women should continue. The committee's recommendations are designed to accelerate the process of full integration of women in the armed services.

The military has long provided men with careers, medical care, training and education, and has served as a good source of upward mobility for low-income men. However, the same opportunities have not been available to women because of higher enlistment criteria for women than for men, of women not being drafted, of a quota limiting women to a small percentage of the Armed Forces, and of women being denied entrance to the military academies.

One result of these exclusionary policies could be the more rapid advance in men's educational achievements than women's during the last 20 years, perhaps due also to the benefits available under the GI Bill. Since World War II, a total of 17,148,000 persons have been enrolled in educational or training programs administered by the Veteran's Administration, but only 316,693 women or 1.8 percent of the total (including wives, widows, and daughters entitled to educational benefits). College training has been secured by 7,080,000 persons, but only 194,179 women or 2.7 percent.[26]

In 1974 Congress passed a law equalizing the age requirement for men and women;[27] previously it had been 18 for women and 17 for men. However, several differences remain in the enlistment standards for men and women.

All of the services have a regulation prohibiting enlistment of persons who have sole custody of a minor child.[28] This regulation disproportionately affects women, particularly those recently divorced or widowed.

The Army is currently being sued by the Center for Law and Social Policy on behalf of two women who were not allowed to enlist in the Army. If they had been men, they would have met the enlistment standards. The suit challenges two Army regulations which set "mental requirements" for individuals seeking to enlist.

These two regulations provide that women cannot enlist without graduating from high school, although men can do so; women must achieve written test scores up to 40 points higher than men on equivalent written tests; and women may not qualify by supplementary testing criteria, although men may do so.[29]

The Army has not demonstrated that the higher enlistment criteria for women result from a *bona fide* occupational qualification. The Army's defense is based on the following points:

1. The Army has limited the number of women who may hold Army jobs to 34,400 for

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[25] Substantially similar to recommendations of the Citizen's Advisory Council on the Status of Women.

[26] "Women in the Military." *Women*, Citizens' Advisory Council on the Status of Women, June 1974, pp. 18–19.

[27] Public Law 93–290 (May 24, 1974), amending 10 USC 505.

[28] Personal communication from Lois J. Schiffer to Janice Mendenhall, Dec. 30, 1975.

[29] *Parise et al.* v. *Schlesinger*, Civil Action No. 74–1896, D.D.C., pp. 1–2.

FY 1975 and to no more than 50,400 in FY 1979. Allegedly this is because the primary mission of the Army is combat, and because "our country . . . does not countenance the use of women in direct combat roles."[30]

2. Differential high school matriculation and test score requirements applied to men and women are legitimate standards.

3. The Army's approach in setting enlistment criteria "is not irrational and discriminatory but based on military necessity."[31]

The Army has the second highest percentage of women, but the percentages are a quota which will not be exceeded, as shown in the following table:

PERCENT OF WOMEN IN MILITARY*

	FY 1971	*FY 1974*	*FY 1975*	*FY 1978*
Army	1.5	3.9	5.3	6.6
Navy	1.4	3.1	4.1	4.6
Marines	1.1	3.8	1.6	1.6
Air Force	2.0	1.5	4.9	8.5
Overall	1.6	3.5	4.6	6.2

* George C. Wilson, "Women Seek Equality in Combat," *Washington Post*, June 16, 1975, p. A3.

The Army argues that it uses the following factors in limiting the number of women: (a) the number of "combat" and "close combat support" positions, which can be filled only by men; (b) privacy of the sexes; (c) promotion opportunity and stateside rotation equity; (d) "the management factor," which is used to assure, "for the sake of fairness and morale," that men are guaranteed a certain number of the jobs considered by the Army to be most desirable; and (e) the requirement that "a balanced mix of men and women" be maintained in certain units.[32]

The military services had extremely sex-based discriminatory policies in the past. In 1970, the Navy sought to discharge a female Navy seaman who become pregnant by her fiancé and then miscarried. After she filed suit, the Navy dropped the discharge action.[33] That same year, a female Air Force officer sued the Air Force over a regulation that prohibited women from having minor dependents accompany them overseas for more than 30 days a year. The Air Force later dropped the regulation.[34] It was not until 1975 that the Pentagon switched its policy and allowed pregnant women to remain in the services.[35]

Despite these advances, differential enlistment standards and quotas still hinder career opportunities for women in the military.

Improving Administration of The Equal Pay Act[36]

The IWY Commission commends the Department of Labor for its enforcement of the Equal Pay Act (EPA), particularly in the selection and prosecution of precedent-setting cases, which have resulted in tens of millions of dollars being awarded to female workers. To improve some aspects of administration of the act, the Commission recommends the following:[37]

1. The Secretary of Labor should strengthen the authority and responsibilities of the Wage and Hour Administration on monitoring the implementation of equal pay provisions in the regional and area offices.

2. Since the scope of the EPA has been substantially expanded since 1963, the Secretary of Labor should greatly increase the number of compliance officers assigned to its enforcement.

3. The Wage and Hour Administration should immediately revise sections of the *Interpretive Bulletin and Field Operations Handbook* concerning pension plans, fringe benefits, maternity leave, and training programs so that they are in accord with the positions of the Equal Employment Opportunity Commission.

4. The Wage and Hour Administration should issue new guidelines which provide

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[30] *Ibid.*, p. 3.

[31] Complaint, sec. 9: Affidavit of Brig. Gen. James M. Wroth, Exhibit I to Defendants' Motion to Dismiss or in the Alternative for Summary Judgment, *supra*, note 4, pp. 3–6, 11.

[32] *Supra*, note 6.

[33] "A Double Standard in the Navy?", *Washington Post*, Aug. 25, 1970, p. B2.

[34] William L. Claiborne, "AF Officer Sues to Keep Her Son," *Washington Post*, Sept. 29, 1970, p. A12; and Claiborne, "Air Force Lets Officer Keep Her Son," *Washington Post*, Sept. 30, 1970, p. A1.

[35] George C. Wilson, "Pentagon Shifts on Pregnancy," *Washington Post*, July 8, 1975, p. A8.

[36] Recommendation approved by Enforcement of the Laws Committee, Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[37] These recommendations are substantially the same as the recommendations of the Commission on Civil Rights.

adequate guidance on how compliance is to be achieved for categories of employees protected by the 1972 and 1974 amendments, such as those with professional, technical, academic, or administrative positions and State and local government employees.

5. The Wage and Hour Administration should adequately define what constitutes a *bona fide* merit or seniority system, so that no system can be manipulated as an excuse for failing to provide equal pay, in situations where substantially equal work is performed by men and women.

6. The Wage and Hour Administration should instruct compliance officers to prepare a full written report even in cases in which they believe there is no equal pay violation.

7. The Wage and Hour Administration should require that all employees be notified of an equal pay investigation of their employer, and of their rights thereunder.

8. The Wage and Hour Administration should improve program coordination of EPA matters with other Federal agencies which enforce laws prohibiting sex discrimination, so as to insure the development of consistent policies and the effective utilization of enforcement resources.

Background[38]

The first comprehensive Federal equal pay bill was introduced into Congress in 1945. Finally 18 years later, in 1963, Congress passed the Equal Pay Act requiring that men and women receive equal pay for equal work and prohibiting salary differentials based solely on sex. The EPA states:

> No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishments at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided,* That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

The above section of the act was incorporated into the Fair Labor Standards Act of 1938, a labor law requiring minimum wage, overtime pay rate, and the protection of the health and safety of children. It is administered and enforced by the Department of Labor. In 1972 and 1974, the EPA was extended to cover previously exempted employees of State and local governments, executive, administrative, academic, and professional employees, and outside salespersons.[39]

EPA requires the same pay for men and women doing substantially equal work, requiring substantially equal skill, effort and responsibility under similar working conditions in the same establishment. It does not prohibit wage differentials based on *bona fide* seniority or merit systems, or a system measuring earnings by quantity or quality or production, or any factor other than sex.

Organization. In the Department of Labor, the Wage and Hour Division (within the Employment Standards Administration), is responsible for setting policies and procedures for enforcing the Equal Pay Act. Five professional staffs devote all of their time to the EPA.[40] There are 10 regional offices which oversee the activities of about 350 area offices.

The Office of the Solicitor is responsible for EPA lawsuits filed by the Department of Labor and reports to the Under Secretary of Labor, not the Wage and Hour Administrator. Additionally, each regional office includes a regional solicitor's office which is responsible for taking legal action when voluntary compliance is not achieved.

Policy. The principal document which explains enforcement policies under the Fair Labor Standards Act is the *Interpretative Bulletin*. The *Interpretative Bulletin* has not been revised since the coverage was extended in 1972 to professionals in educational institutions. This has caused some ambiguity in applying policies to the new area of academe, causing uncertainty for both the employer and employee, as to the criteria for compliance. An updating of the *Interpretative Bulletin* has been drafted, but approval has presumably been delayed pending several court decisions.

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[38] The material in this Background section is excerpted from a study by Norma Raffel, WEAL Legal Defense and Educational Fund, under contract with the IWY Commission.

[39] The Education Amendments of 1972, 20 *USC*, secs. 1681-1686 (1972).

[40] U.S. Commission on Civil Rights, "To Eliminate Employment Discrimination", *The Federal Civil Rights Enforcement Effort, 1974*, vol. V, June 1975, p. 419.

The Department of Labor and the courts have defined "equal work" and the criteria of "equal skill, effort and responsibility" which is required in the EPA[41] as follows:

> "Equal work" has been interpreted to include "substantially equal" as well as "identical" work.[42]
>
> "Equal skill" has been interpreted to consider such relevant skill factors as experience, training, education, and ability.
>
> "Equal effort" is interpreted to mean the physical or mental exertion needed for the performance on the job—the degree of effort expended, not the kinds of effort. Extra tasks performed by one sex which involve added physical effort may be offset by other tasks performed by the other sex which require more mental effort.
>
> "Equal responsibility" has been administratively interpreted as being "concerned with the degree of accountability required in the performance of the job, with emphasis on the importance of the job obligation."[43]

Where discrimination exists, pay rates of the lesser paid sex must be raised to equal those of the higher paid sex.

The *Field Operations Handbook* was developed for compliance officers to provide a guide to practical questions. In April 1974, Chapter 52Q was added as a nontechnical guide for investigating academic professionals in colleges and universities.

Enforcement. The EPA gives the Department of Labor three broad powers to enforce the act:

- The power to investigate possible violations of the law;
- The power to conciliate or negotiate a settlement where violations are found; and
- The power to litigate when efforts to secure compliance have failed.[44]

Investigations can be initiated by the Wage and Hour Division without a complaint having been filed but generally occur in response to complaints. The entire institution or company may be, but is not usually, reviewed. By limiting investigations, complaints are serviced promptly, and early and widespread compliance is obtained. Therefore, in many instances the investigation may be limited to certain departments except in cases where precedential litigation is anticipated.

Complaints may be made by telephone, letter or in person to one of the 350 Wage and Hour Offices throughout the country. An employer with two or more employees is covered. The identity of a complainant is never revealed without that person's consent. Neither is the identity of an employer revealed unless court action is necessary.

The compliance officer interviews the complainant to secure appropriate data, then schedules an initial conference with the institution or company to advise administrative officials of the review to determine the status of compliance with the EPA, and describes the basic investigation procedures, such as examination of records and transcripts, employee interviews, and the statutory authority for the investigation. A tentative determination of compliance is made. If the respondent is found to be in compliance, the case is closed with very little information being retained in the files. If a violation has been found, the employer is asked to comply with the law by raising salaries and awarding back wages to underpaid employees. The statute of limitations for back pay is 2 years for a nonwillful violation and 3 years for a willful violation.[45] If future compliance with the payment of back pay is agreed to, the institution is also encouraged to initiate a self-audit program to discover and correct any violations in areas not covered, and the results are reported to the Wage and Hour Division in writing. If a case is settled in this fashion, the institution's or company's name is not revealed.

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[41] Albert H. Ross and Frank B. McDermott, Jr., *The Equal Pay Act of 1963: A Decade of Enforcement*, Boston College Industrial and Commercial Law Review, vol. XVI, no. 1, pp. 1–72, Nov. 1974.

[42] *Schultz v. Wheaton Glass Co.*, 421 F. 2d259 (3d Cir., 1970) Cert. denied, 398 U.S. 905 (1970).

[43] 29 CFR, sec. 800, 129 (1973).

[44] 29 USC, sec. 211 (1970).

[45] Unlike other antidiscrimination laws, criminal penalties may be imposed for willful violations.

If the organization will not agree to an administrative resolution, the case is referred to the regional solicitor's office for court enforcement. The Office of the Solicitor can bring suit on behalf of the Secretary of Labor or may find the case unsuitable for litigation because there appears to be no violation or because of lack of convincing evidence, or for other reasons. In those cases, the complainant is advised that a private suit can be filed within 3 years.

The number of complaints and the case backlogs for FY 1973–75 are shown in the tabulation[46] below:

	FY 1975	*FY 1974*	*FY 1973*
Total complaints	2,727	2,864	2,095
Total backlog	1,790	1,388	801

The total number of complaints has increased some 23 percent from FY 1973, but the total backlog has increased by about 55 percent.

Because of the number of complaints being filed, usually an investigation is not initiated until 3 months after the filing of a complaint.[47] While the number of compliance actions decreases, the number of employees found to be underpaid and the amount of underpayment increased.

Policy Differences With EEOC. Although EPA is concerned only with wage discrimination and title VII prohibits sex discrimination in all employment practices, agreement in policies between them is essential for maximum effectiveness. The court has said that the purposes of the EPA and title VII are interrelated and must be harmonized. Nevertheless, several policies of the Department of Labor differ from those of the EEOC.

The Department of Labor requires that *either* an employer's contribution to a pension plan be equal *or* the benefits be equal. Therefore, if an employer makes the same contribution to men and women's pension plans, but women receive smaller monthly payments, the employer would be in compliance with the Department's pension policy. However, that same situation would violate the EEOC guidelines which state that *all* employees must receive the *same* benefits regardless of differences in cost.

Maternity benefits are not regarded as employment remuneration and are thus beyond the scope of the equal pay provisions. On the other hand, EEOC's guidelines require no discrimination with regard to fringe benefits, including maternity benefits.

EEOC's guidelines prohibit sex discrimination in training programs. Under Department of Labor policy, as stated in the *Interpretative Bulletin*, employee training programs may be available to one sex if such programs are *bona fide.* A narrow interpretation of this could lead to discriminatory training programs. However, the actual practice appears to differ from the stated policy. In 1974 the Wage and Hour Administrator said:

> "Under certain circumstances, a bona fide training program may support a wage differential under the Equal Pay Act. (See *Interpretative Bulletin*, Part 800, Section 800, 148). A training program is not bona fide, however, unless it is open to both sexes. . . ."[48]

Observations. Many people consider the EPA to be the most effectively enforced Federal antisex bias civil rights statute.[49] In the first 10 years since the act became effective, over $100 million in back pay has been awarded and 600 legal actions taken.[50] But it was not until 1970 with the Wheaton Glass decision that the EPA began to assume vitality. The Supreme Court held, in the Wheaton Glass case, that "equal work required compared jobs to be 'substantially equal,' not identical."[51]

The EPA complaint procedure is informal, requiring only a telephone call, interview or a letter, rather than a notorized complaint which is required for title VII complaints. The individual complainant's name is not revealed as is generally the case with title VII, title IX, and Executive Order 11246 complaints. This protects women from possible harassment and damage to their professional careers. Because Wage and Hour can initiate reviews, the respondent institution cannot be certain that a complaint has been filed. Another advantage is that no documentation is required by the complainant. Moreover, a large percentage of cases are settled administratively, and the Department of Labor can go, and in some cases has gone, to court. The backlog in equal pay cases is considerably less than the backlog in title VII and E.O. 11246 cases.

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[46] Wage and Hour Division, unpublished data, July 1975.

[47] *Supra*, note 2, p. 441.

[48] Letter, Betty Southard Murphy, Aug. 12, 1974.

[49] *Supra*, note 3.

[50] *Ibid.*

[51] *Schultz* v. *Wheaton Glass Co.*, 421F2d 259 (3d Cir., 1970), Cert. denied, 398 U.S. 905 (1970).

Nevertheless, improvements can and should be made to increase the effectiveness of the safeguards of the EPA.

An updating of the *Interpretative Bulletin* to include the 1972 and 1974 extensions would give both employees and employers a more definite idea of what is required for educational institutions to be in compliance. Then employers could take definite steps to fulfill their obligations. Also, when the criteria are specific, out-of-court settlements will be facilitated.

The Equal Pay Act states that unequal pay is legal if the "differential" is based on "any other factor other than sex." This section of the act should be clarified and limited to factors related to job performance.

Unequal pay is permitted by the EPA *if* it is based on a merit or seniority system. These terms have not been explained to give much guidance to the compliance officer, the employer, or the employee. A definition of the term "merit" as it applied to educational institutions is particularly needed. Until very recently, few educational institutions had uniform or specific criteria for "merit" increases. Often the decisions were subjective, and factors were beyond the three generally used criteria: quality of teaching, quality of scholarship, and quality of service to the university community.

Little guidance has been given in considering the term "responsibility" when applying equal pay principles. "Responsibility" has not been dealt with specifically by the courts, and it is particularly relevant to professional positions. Women often have not been delegated assignments of "responsibility" in the past; e.g., appointed to prestigious committees. Then they are paid less because they have not had "responsibility."

EEOC considers pregnancy, miscarriages, abortion, childbirth, and recovery from these as "temporary disabilities" and that these conditions should be treated on the same basis as other employees physically unable to work under health insurance or sick leave plans.[52] On the other hand, Wage and Hour does *not* include maternity benefits as a fringe benefit covered by the EPA, although retirement income and life, hospital, and accident insurance are fringe benefits covered by the EPA:

> "The purpose of 29 CFR 800.100 is to exclude from wages certain payments which might otherwise be used to reduce the cash payments made to employees of a particular sex. Thus, if an employee travels on an expense allowance, or if an employee is given special maternity benefits, such payments cannot be used to justify lower wage payments. This does not relieve the employer from having to provide equal benefits, or to provide benefits based on equal contributions."[53]

Although the 1972 extensions brought new and complex problems to the enforcement of the EPA, Wage and Hour responded to its added responsibilities in a variety of ways. By 1974, a chapter was added to the *Field Operations Handbook* to guide compliance officers in investigating academic professionals. While it is not specific in all areas, it does provide some uniform policies on factors relating to academic employment. The training program for compliance officers who have spent at least 1 year in the field includes about 1 week's instruction on the EPA. During that time about 1½ days are spent on investigating simulated complaints from university professionals.[54] This revised training program is projected for the entire staff. Also, 60 persons at the GS–13 level who will be specialists in EPA and age discrimination have been authorized. They will be placed in the regional offices to provide needed expertise there.[55]

Adequate records are needed even if an institution is found to be in compliance to determine the competency of investigations. If such records are not kept, there is always the possibility that the difficult cases are not adequately pursued. A determination of compliance as well as a determination of noncompliance should be supported by specific reasons, and these reasons should be available to the complainant.

Apparently, if an employer or employee questions either the amount of settlement of Department of Labor procedures, an informal appeal can be made.[56] However, there is no requirement that either party be notified of this, and there is no publicized material on the guidelines or procedures for such an appeal. If an appeal process is operative, all persons involved should be notified, and the procedures should follow some uniform guidelines.

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[52] EEOC Guidelines on Discrimination Because of Sex, sec. 1604.10.

[53] July 7, 1975, Response of the Department of Labor, Addendum to: "To Eliminate Employment Discrimination," *The Federal Civil Rights Enforcement Effort—1974*, p. 13.

[54] Private communication with Richard MacMillan, Branch Chief, Branch of Age Discrimination and Equal Pay, Wage and Hour Division, June 18, 1975.

[55] *Ibid.*

[56] *Supra*, note 2, p. 448.

The Office of the Solicitor's plan to bring actions against an educational institution in each of the 10 regions in 1975 would provide a "ripple effect." Educational institutions would be likely to comply voluntarily with the EPA, thus reducing complaints and investigations in that area. Thus far, suits have been filed against seven higher educational institutions in four different regions. The Office of the Solicitor should continue to give high priority to legal actions against at least one educational institution in each region which will not voluntarily compy with the EPA.

Although Wage and Hour compliance officers are required to report violations of other laws found during an investigation, they rarely do so.[57] Other agencies should be contacted prior to an investigation in order to avoid duplication of effort.

Some persons advocate that all sex-based pay inequities encountered by other agencies be referred to Wage and Hour because Wage and Hour has a small backlog and expertise in this area. If this were done, the back wages and other aspects of equal pay could not be bargained away for other issues (i.e., promotions) in a negotiated settlement.

Equal Employment Opportunity Commission[58]

The IWY Commission recommends that:

1. The Equal Employment Opportunity Commission (EEOC) concentrate its efforts on initiating more commissioners' charges against major employers, public and private, and firms which are leaders in their industry practicing systematic discrimination.

> **a. EEOC should establish a unit in the Office of Compliance to deal with all aspects of commissioners' charges.**
>
> **b. The Office of General Counsel (OGC) should give priority to litigating systematic discrimination by filing more cases against major national and regional respondents. It should utilize and emphasize its authority under section 707 of title VII to file suits against entire industries.**
>
> **c. The Special Investigations and Conciliation Division should be expanded and top management should give its activities more aggressive support.**

2. EEOC be given adequate staff and resources to assure meeting its enforcement obligation under both commissioners' charges and individual charges.

3. EEOC target private educational institutions for court actions in selected cases which would develop precedents for eliminating sex discrimination in educational institutions.

4. EEOC and the Department of Justice (DOJ) jointly develop strategies for DOJ to file court actions against State and local governments and State educational institutions. Cases should be selected which would develop precedents for eliminating sex discrimination by those employers.

5. EEOC place special priority on the processing of complaints against State and local governments and educational institutions. Staff units should be established in the EEOC district offices to consolidate and process complaints against State and local governments and educational institutions.

6. EEOC make a substantial effort to upgrade the quality of training and provide sustained institutional instruction to the Equal Opportunity Specialists.

7. EEOC routinely do followup reviews of at least 25 percent of its conciliation agreements. Violations which cannot be corrected on an informal basis should be referred to OGC for court action.

8. EEOC not enter into voluntary agreements which do not impose the same requirements and standards as its conciliation agreements and consent decrees and which are not fully court-enforceable. Since the standards for voluntary agreements would then be the same as for conciliation agreements and consent decrees, responsibility for them should be transferred to the Office of Compliance and OGC. The function of the Office of Voluntary

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[57] *Supra*, note 2, p. 451.

[58] Recommendations approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

Programs should be to provide technical assistance to employers.

9. EEOC revise its personnel system to insure that staff vacancies are filled expeditiously.[59]

Background[60]

Title VII of the Civil Rights Act of 1964 provides a comprehensive prohibition on discrimination in employment. Under this title, discrimination in employment by employers, labor organizations, and employment agencies on the basis of race, religion, sex, and national origin is unlawful.[61] All employment practices including hiring, firing, promotions, compensation and other terms, privileges and conditions of employment are included. In general, all employers of 15 or more employees are covered except Federal agencies, federally owned corporations, and Indian tribes. Religious institutions are exempt only with respect to the employment of persons on the basis of religion. The enactment of the Equal Employment Opportunity Act of 1972 extended coverage to teachers and administrators in educational institutions, as well as to State and local government employees. The act does not require affirmative action unless discrimination is found and affirmative action is ordered. Almost 75 percent of the Nation's workforce, 63 million persons, are covered by this law.

Organization. Title VII created the Equal Employment Opportunity Commission to enforce the act. It is composed of five commissioners (not more than three from the same political party) appointed by the President with the advice and consent of the Senate for overlapping 5-year terms. The President appoints one commissioner as chairman and another as vice chairman. Initially, the commission's responsibilities were limited to conciliation of employment discrimination complaints, but the 1972 amendments gave the EEOC the authority to initiate litigation against employers when conciliation attempts failed.

The chairman is the chief administrative officer of EEOC who actually manages and directs the agency. The chairman appoints all EEOC employees (except the general counsel and regional attorneys) and directly controls planning, evaluation, budget formulation, and the letting of contracts.

The commissioners meet at the discretion of the chairman. The commissioners generally vote on policy matters such as the allocation of resources, the issuance of contracts to State and local fair-employment practices agencies, and the filing of lawsuits by the General Counsel.[62] They are responsible also for approving *amicus curiae* participation, consent decrees, conciliation agreements, organizational changes, EEOC publications, and the designation of State and local agencies to which charges may be deferred. Commissioners are empowered also to conduct hearings to reveal violations of the act and to file charges of discrimination where there is reasonable cause to believe there is a violation.

There are seven regional offices in the country which supervise the 32 district offices. Charges are filed, investigated, decided, and conciliated in the district offices.

Policy. The commissioners set policy by issuing guidelines, making decisions about charges, and by approving manuals which provide guidance in interpreting the act.[63] EEOC has issued guidelines on discrimination based on sex, national origin, religion, and on testing and selecting employees. These guidelines do not have the force of law, but are often given substantial weight in court opinions.[64]

The *Guidelines on Discrimination Because of Sex* emphasizes

> "(t)he principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group."[65]

They state that sex as a *bona fide* occupational qualification shall be interpreted narrowly (e.g., actor or shower attendant), that employer or customer preference are invalid reasons for not hiring women, that sex-oriented State employment laws are not a defense, and that separate lines of progression or seniority lists for males and females are unlawful.

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[59] Items 1. (b), 1.(c), 5, 7, 8, 9 are substantially similar to recommendations of the Commission on Civil Rights.

[60] This Background section is excerpted from a study by Norma Raffel, WEAL Legal Defense and Education Fund, under a contract with the IWY Commission.

[61] 42 USC, sec. 2.000e (1970).

[62] *The Federal Civil Rights Enforcement Effort—1974,* vol. V, "To Eliminate Employment Discrimination," U.S. Commission on Civil Rights, July 1975, p. 480.

[63] *Supra,* note 2, p. 506.

[64] Title 29, Labor, Chapter XIV, Part 1604, amended of the CFR.

[65] Guidelines on Discrimination Because of Sex, sec. 1604.2 (a) (1) (ii).

The guidelines further specify that the same rules shall apply to married women as to married men and that male-female advertising of job opportunities is discriminatory. Additionally, employment agencies may not discriminate because of sex. Fringe benefits—medical, hospital, accident, life insurance and retirement benefits; profit sharing and bonus plans; leave and other terms, conditions and privileges of employment—shall be the same for women and men regardless of extra costs and whether or not the employee is the "principal wage earner." Any benefits available for spouses and families of men must be available for spouses and families of women. Pensions or retirement plans must not differentiate on the basis of sex. Disabilities related to pregnancy, miscarriage, abortion, or childbirth must be treated as any other temporary disability such as heart or hernia problems.

Overlap and Coordination. According to the General Accounting Office (GAO)

> "(c)oordination between the Department (of Labor), the compliance agencies (i.e., HEW/OCR), and EEOC has not been adequate. Information was not being exchanged, and some compliance activities at contractor facilities have been duplicated."[66]

There was a Memorandum of Understanding developed between EEOC and the Office of Federal Contract Compliance in the Department of Labor in 1970 which was to reduce the duplication of compliance activities, facilitate the exchange of information, and establish procedures for processing cases against government contractors which were covered by both title VII of the 1964 Civil Rights Act and Executive Order 11246 as amended.[67] This Memorandum was never actually implemented.[68] In 1974 EEOC and OFCC signed a new Memorandum of Understanding,[69] very similar to the 1970 Memorandum, but it provides for a task force to develop specific investigative procedures and compliance policies, as well as a provision requiring EEOC to notify OFCC of cases being considered for litigation, and to provide OFCC with findings. Under the Memorandum, individual cases of sex discrimination filed under the Executive order have been referred to EEOC since 1972 when EEOC's coverage was extended.

Enforcement. Initially, the commission's efforts were devoted to a one-on-one, complaint-oriented approach, and sought relief for the charging party without considering the institutional practices which often cause and perpetuate employment discrimination. By 1968 the commission felt that correcting systemic forms of discrimination would result in more effective compliance, and shifted conciliation to include not only relief to the charging party, but removal of discrimination practices within the organization. Although this resulted in benefits to others in addition to the charging party, it prolonged investigations and helped increase the backlog. The current Chairman, Lowell W. Perry, intends to continue developing methods of dealing with systemic discrimination:

> "Much more important, however, than the number of charges processed is what we have done to deal with the mandate of Title VII, which is not to process charges but, rather, to eliminate employment discrimination. . . . While our early efforts were aimed at resolving primarily individual charges of employment discrimination, recently we have been concentrating more of our resources on resolving systemic discrimination, due to the realization that even if we were able to successfully resolve all of the more than 280,000 individual charges filed with us over the past 10 years, systemic employment practices having a disparate impact on one or more of the groups protected by Title VII would remain."[70]

Currently investigations and conciliation procedures are decentralized, and are as follows:[71] A complaint may be filed with EEOC by any person or group of persons, or their representatives, who believe they have been subjected to discrimination prohibited by title VII. Either individual or pattern complaints can be filed within 180 days of the alleged discrimination. An organization may file on behalf of persons, but must attach a notarized form from specific individuals who believe themselves to be aggrieved.

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[66] Comptroller General of the United States, *The Equal Employment Program for Federal Nonconstructive Contractors Can Be Improved.* GAO Report, Apr. 29, 1975.

[67] EEOC and Office of Federal Contract Compliance 3, Memorandum of Understanding, May 20, 1970, 35 *Fed. Reg.* 8461 (1970).

[68] *Supra*, note 2, p. 567.

[69] Equal Employment Opportunity Commission and Office of Federal Contract Compliance: Memorandum of Understanding. Sept. 11, 1974. 39 *Fed. Reg.* 35855 (1974).

[70] Lowell W. Perry, Statement Before the House Subcommittee on Equal Opportunities, Sept. 22, 1975, pp. 1, 3.

[71] John H. Powell, Jr., Chairman EEOC. Hearings before the Subcommittee on Equal Opportunities of the Committee on Education and Labor, House of Representatives on H.R. 15826, Sept. 17–19, 1974, pp. 28–29.

A charge is received in the district office and screened to insure that the commission has jurisdiction. If it has, the complaint is deferred to the appropriate State or local Fair Employment Practice Commission, if one exists. There are about 36 local or State agencies, known as 706 agencies,[72] which normally have 60 days in which to process the charge. When the deferral period has expired, the charge is filed in the district office and a Notice of Charge of Employment Discrimination is sent to the respondent charged. If a complaint is not deferred, a notice of a filed charge is sent within 10 days of the time it is received. An investigator locates and interviews the charging party and the employer. An Investigator's Memorandum is then prepared which summarizes the facts and makes a recommendation as to whether or not reasonable cause exists to believe that discrimination has occurred. If the Investigator's Memorandum is approved by the supervisor, a Determination Letter is prepared for the district director to sign. The district director may engage in a Pre-Determination Settlement before the letter is issued.

If no reasonable cause is found, a Notice of Right-To-Sue Letter, attached to the nocause Determination Letter, is sent to the charging party within 90 days, and the case is closed. The Right-To-Sue letter allows the individual to bring suit in Federal District Court within 180 days.

If reasonable cause is found, the case is assigned to a conciliator who works with the charging party and the respondent to develop a written conciliation agreement. The conciliation agreement is signed by all parties, is usually in effect for 2 to 5 years, and the respondent is scheduled for a review during that period to see if conditions are being met. In 1974, 41.7 percent of conciliations were successful, a sharp increase over 1973.

Since 1964, the number of unresolved charges has continued to grow, and the total backlog was over 100,000 in 1975. Former Chairman John Powell's statistics certainly give the trend.[73]

FY	*Charges received*	*Charges resolved*	*Total backlog*
1966	8,854	6,347	2,507
1967	9,688	5,134	7,061
1968	6,720	5,002	10,436
1969	12,148	6,343	16,242
1970	14,234	5,967	24,569
1971	22,920	11,497	35,932
1972	32,840	7,576	57,970
1973	48,899	11,940	80,516
1974	56,953	37,726	97,761
1975*	65,000	62,000	102,000

*Figures for 1975 are approximate.

It is apparent from the chart that the increased number of charges and the soaring backlog are major problems in EEOC. In February 1974, 90 percent of EEOC's active charges were in the preinvestigative and investigative stages.[74]

The commission does not pursue every case when "reasonable cause" is found. However, Right-To-Sue Letters are issued in these cases when requested, although in fact they are required to be issued routinely in these instances.

When conciliation is not successful, the case is usually referred to the Office of General Counsel for possible litigation. Before the 1972 amendments, EEOC's Office of the General Counsel was limited to filing *amicus curiae,* giving opinions to the commission, recommending cases to the Justice Department for suit, and routine work for the commission.[75] However, the 1972 amendments gave the General Counsel the power to file suit. Now the commission, while still relying heavily on voluntary conciliation, has law enforcement powers, and litigation centers across the country. They prepare and file EEOC's pleadings and briefs and represent the agency in all phases of litigation against violators of title VII within their regions.

The regional solicitors review the cases for litigation and reject up to 90 percent as unsuitable. Almost all of the remaining cases are returned to the district offices for further investigation or information. When the litigation centers decide to file suit, the case is forwarded to the General Counsel's Office which then submits it to the commissioners for approval. If the case is approved, it is returned to the litigation center for preparation and filing. Before filing, the respondent is given another opportunity to settle out of court.

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[72] Sec. 706 of title VII of the Civil Rights Act of 1964 contains the procedures under which charges are deferred to approved agencies.

[73] *Supra,* note 11, pp. 30–31.

[74] Augustus Hawkins, Hearings, *supra,* note 2, pp. 510–511.

[75] *Supra,* note 2, p. 490.

Problems. In the 11 years since it was established, the EEOC has evolved from a small concilatory commission to one of the most prominent civil rights enforcement agencies. During that period of growth and change, the commission has experienced enormous problems which make it ineffective in resolving individual complaints of sex discrimination. The fundamental question is whether the agency as presently conceived, structured, managed, and operated is equipped to function as a modern civil rights enforcement agency.[76]

The responsibilities of the four commissioners and the chairman are not clearly defined, which has resulted in dissension over the years and requests by some commissioners for a legal opinion defining their rights and responsibilities. The dissension among the commissioners has not been limited to the term of any one chairman and may be inherent in the structure of the commission.[77] Some persons feel that EEOC is an "organizational disaster" and that, combined with poor management, has resulted in ineffective enforcement and the enormous backlog.

The present chairman recognizes the need to reorganize EEOC for more efficient operations:

> "Through the reorganization, we will be able to clarify responsibility and accountability for agency operations and to assure greater responsiveness to program needs. Specifically, we hope to accomplish the following objectives: (a) increase the Executive Director's control of day-to-day operations by reducing the number of key directors he has to manage and direct; (b) separate, to a considerable extent, line operations from staff support operations; (c) give greater visibility to important personnel and labor-management relations activities; and (d) provide strong systems analysis and automatic data processing components for the agency."[78]

According to a GAO survey, "the Commission has never attempted to develop a total integrated management information system."[79] The GAO report examined 77,402 EEOC records and found that:

- The 11,433 charges deferred to State and local agencies were not returned to the Commission;
- Records for 10,346 charges reported returned from a deferred agency did not show that the records had been sent to the agency;
- Records for 5,186 charges reported to have been fully investigated did not show that they had been assigned to an investigator; and
- Records for 8,422 charges reported to be fully investigated did not indicate that the charges were served on respondents.

In addition, EEOC calculated a backlog which was 20 percent lower than GAO's figure. A pilot process has been initiated to improve the recordkeeping.

The overwhelming backlog of complaints which reached 106,000 by March 31, 1975[80] is considered to be one of EEOC's major problems. The goal is to keep it from increasing rather than to eliminate it. According to Commissioner Ethel Walsh, reduction of the agency's high number of unfilled positions, the introduction of improved caseload management techniques, and greater reliance on State and local agencies have decreased the rate of backlog growth. Further, "some backlog is going to be eliminated because people get tired of waiting 3 and 4 years, and they move or we cannot find them, or they just plain give up."[81] Some 10,000 charges were resolved because people gave up, moved, or were not available.

The processing of complaints is impeded by inadequate investigators. According to Commissioner Walsh, many are "not of the caliber we require and have insufficient training."[82] Former Chairman Powell, when referring to the larger number of unsuccessful conciliations, said, "the investigation of the charges is not the investigation you and I would want for litigation."[83] The GAO report indicated that the quality of investigation was very poor, often resulting in unsuccessful conciliation and certainly contributing to the 90 percent rejection rate of cases for litigation. Improved training is anticipated to help deal with these problems.

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[76] Eleanor Holmes Norton, chairperson of the New York City Commission on Equal Opportunity, Hearings, *supra*, note 3,11, pp. 93–105.

[77] *Ibid.*

[80] Ethel Bent Walsh, Hearings before House appropriation Subcommittee on State, Justice, Commerce, the Judiciary, and Related Agencies, 94th Cong., Part VI, May 6, 1975.

[81] *Ibid.*

[82] *Ibid.*

[83] *Supra*, note 11, p. 41.

Less than half of the cases where "reasonable cause" is found was conciliated successfully. This stems partly from the quality of the investigation and partly because employers feel little incentive to conciliate when the likelihood of court action is remote. A study of EEOC's conciliation efforts between 1966–1971 concluded that the net impact of the "cause" findings and conciliation procedures was apparently small.[84]

Expanding individual complaints into pattern and practice investigations results in nondiscriminatory employment practices for large numbers of minorities and women and reduces the number of potential charges. Nevertheless, in order to provide more prompt relief for individuals, in November 1973 the EEOC changed its policy and instructed district directors that investigations did not have to be broadened to include pattern and practice if to do so would waste resources.

Although various remedial actions have been initiated, none are dramatic or far reaching. When Congress enacted the 1972 amendments and gave the Office of the General Counsel the right to file suit, EEOC was transformed from a conciliation agency to an enforcement agency requiring expansion and reorganization of the office. EEOC had become a substantially different kind of agency and should have been reorganized at that time to accommodate the change.[85]

According to George Sape, former Special Assistant to the General Counsel, the General Counsel's Office was superimposed by the President on the existing administrative structure and hasn't been integrated with the agency, with little effective coordination so necessary for effective functioning. Sape said that the investigative standards and procedures developed before the 1972 amendments have not proved adequate to support litigation.

The recommendations of the management consulting firm of Booz, Allen, and Hamilton helped to precipitate the reorganization. While the changes will correct some of the short-range problems and begin to resolve some of the long-range problems, making major changes will be difficult.

Improving Office of Federal Contract Compliance Programs[86]

The IWY Commission notes that there is a serious lack of public confidence in the operations of the contract compliance program because of its poor record on enforcement. The Commission recommends that:

1. The President direct the Office of Federal Contract Compliance Programs (OFCCP) to utilize its sanctions for government contractors who are found in noncompliance, including the withdrawal or termination of funds.

2. The Secretary of Labor expeditiously fill the vacancies of the Director of OFCCP and the Deputy Director with competent personnel who are knowledgeable about civil rights.

3. OFCCP immediately issue guidelines consistent with the "Guidelines on Discrimination Because of Sex" promulgated by the Equal Employment Opportunity Commission (EEOC).[87]

4. OFCCP retain all affirmative action requirements, including goals and time tables for all Federal contractors, including colleges and universities.

5. The Secretary of Labor significantly increase the staffing and resources allocated to OFCCP and should authorize the Director of OFCCP to report directly to the Secretary.[88]

6. OFCCP immediately assume jurisdiction over a compliance agency's enforcement proceeding when the compliance agency fails to adhere to the requirements set forth in Revised

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[84] Arvil Adams, "Toward Fair Employment and the EEOC," EEOC Contract 70–15, Aug. 31, 1972.

[85] Jones Singer, *Internal Problems Hamper EEOC Antibias Efforts,* National Journal Reports, Aug. 7, 1974, pp. 1226–1236.

[86] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

[87] Identical or similar to Commission on Civil Rights recommendations.

[88] Identical or similar to Commission on Civil Rights recommendations.

Order No. 4, (concerning nonconstruction contractors).[89][90]

7. OFCCP place greater emphasis on, and allocate more of its resources to monitoring, the supply and service and industries program.[91]

8. Compliance agencies develop a system to identify all of the contractors subject to their compliance authority, with technical assistance from OFCCP.[92]

Background[93]

Executive Order 11246 was promulgated by President Lyndon B. Johnson in 1965.[94] The order imposes equal employment opportunity requirements on Federal contractors.

Originally, Executive Order 11246 prohibited discrimination in employment based on race, creed, color, or national origin. In 1967, the order was amended and sex was added to the list of prohibited categories.[95]

The order contains two basic conditions that must be accepted by a Federal contractor. The first is a policy of nondiscrimination which covers all employees of the contractor. The second condition requires that the contractor undertake a policy of affirmative action to insure that equal employment practices are followed.[96]

An estimated 30 to 40 million workers are employed by businesses, local governments, or institutions which have Federal contracts. In FY 1974 over $50 billion in Federal contracts were awarded to nonconstruction contractors that employed about 25 million workers.[97]

The order charges the Secretary of Labor with the responsibility of implementing the order. Authority to carry out the provisions of the order has been delegated to the Director of the Office of Federal Contract Compliance Programs (OFCCP), in the Department of Labor. OFCCP has in turn designated Federal agencies as compliance agencies and they are assigned enforcement responsibilities. OFCCP's responsibilities include

- Establishing policies, objectives, priorities, and goals for the program;
- Providing leadership, coordination, and enforcement of the program;
- Reviewing and evaluating the capability and performance of each compliance agency to insure maximum progress to achieve the objectives of Executive order; and
- Developing and recommending such regulations for issuance by the Secretary of Labor as are necessary for administering the Executive order.[98]

The affirmative action provisions require contractors to take certain actions to eliminate employment discrimination. OFCCP issues regulations to assist contractors in implementing the requirements. OFCCP regulations for nonconstruction contractors are set out in Revised Order No. 4.

On March 28, 1974, the Department of Labor requested that the GAO determine whether the equal employment opportunity regulations for public contracts prescribed by a State Fair Employment Practices Commission were in violation of the basic principles of Federal procurement law. The Comptroller General, in responding on July 2, 1974, to the Department's request, stated that these regulations were inconsistent with the basic principles of Federal procurement law.

The Comptroller General also advised the Department that OFCCP's

> ". . . Revised Order No. 4, also seems to be in violation of the basis principles of Federal procurement law enunciated in our decisions in 47 Comptroller General 666 (1967) and 48

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[89] Identical or similar to Commission on Civil Rights recommendation.

[90] Identical or similar to GAO recommendations.

[91] Identical or similar to GAO recommendations.

[92] Identical or similar to GAO recommendations.

[93] This background section is excerpted from a study prepared by Denise B. Leary, WEAL, Legal Defense and Education Fund, under contract with the IWY Commission.

[94] Executive Order 11246, 3 CFR, sec. 339, 1964–1965 Compilation.

[95] Executive Order 11375, 3 CFR, sec. 684, 1966–1970 Compilation.

[96] Contractors with contracts of $10,000 or less are exempted from the order. State and local governments are exempted from the affirmative action requirements. All divisions or branches of the contractors' business are covered including those not working on the Federal contract, except for divisions of State and local governments that do not specifically participate in work under the Federal contract. Subcontractors are similarly covered.

[97] "The Equal Employment Opportunity Program for Federal Nonconstruction Contractors Can Be Improved," GAO, Apr. 29, 1975, p. 4.

[98] *Ibid.*, p. 2.

> Comptroller General 326 (1968), in that a contractor can be defaulted under these regulations for its failure to submit an 'acceptable' affirmative action plan despite the fact that these regulations do not seem to contain any *definite* minimum standards and criteria apprising the prospective bidders of the basis upon which their compliance with the EEO (Equal Employment Opportunity) requirements will be judged."

Revised Order No. 4 is applicable to all nonconstruction contractors and was the first set of regulations requiring an affirmative action program for women. Contractors are required to conduct a utilization analysis of their workforce to determine if there are fewer women or minorities employed in each job than would be expected by their availability in the labor market. If women or minorities are shown to be underutilized in the contractor's workforce, then the contractor must devise specific goals and timetables.

Availability is determined by considering the percentage of women or minorities in the workforce, the number of minorities and women with specific skills for the job, the existence of training institutions, and the size of minority and female unemployment in the surrounding area. The contractor must also consider women or minorities within its organization or business who could be promoted or transferred.[99]

Contractors must also establish an auditing system which measures the success of the affirmative action plan.

Revised Order No. 4 requires that contractors take remedial steps to compensate those incumbent employees who have been victims of discrimination in the past and continue to be disadvantaged by past discriminatory acts. No specific criteria for determining which incumbent employees are covered by this provision was provided until 3 years after Revised Order No. 4 was issued.

In 1974, OFCCP issued a standard Compliance Review Report which provides some guidelines for identifying these employees. Compliance reviewers are to identify job categories with substantial concentrations of women and minorities. They are then to determine if the concentration has been caused by past or present discriminatory practices. If either has occurred, then these employees are covered by Revised Order No. 4's remedial provisions.

However, neither Revised Order No. 4 nor the Standard Compliance Review Report provides any criteria for the contractor to use in making his or her own determination. Neither specifies the quality or degree of remedial action that should be taken once the employees are identified.

This failure is unjustified, for judicial determinations under title VII provide ample authority and description of remedies to be awarded victims of past and present discrimination. These include back pay, stepped-up promotion, training programs, seniority carryovers, and in at least one recent case, "front pay".[1] Front pay is a novel remedy under equal employment law but it is an extremely important one. Essentially, it requires employers to pay employees who have been wrongly excluded from promotional opportunities at a rate equal to the average present earnings of the higher skilled position from the date of the court's decree until the employees are trained and assume the more skilled position.

Earlier this year OFCCP published for comment proposed guidelines on remedies for these employees.[2] Relief in the form of back pay awards and revised seniority systems were not described. Back pay awards were not adequately defined and OFCCP is continuing to consider the guidelines.

Affected-Class Identification and Related Remedies[3]. Of the 13 compliance agencies, 11 cited a need for improved guidance on affected-class problems and related remedies. "Affected class" refers to employees who have been discriminated against and continue to suffer the effects of that discrimination. Revised Order No. 4 states that a remedy for members of an affected class must be provided for a contractor to be found in compliance. Neither the order nor any other OFCCP guidelines establish specific criteria for remedying affected-class problems. According to an OFCCP official, remedies can include revised transfer and promotion systems and financial restitution such as back pay.

Department of Defense (DOD) and General Services Administration (GSA) compliance officers often included affected-class determinations as part of compliance reviews. However, DOD and GSA regional officials informed us that they needed additional guidance on remedies. In June 1973 DOL requested OFCCP to provide guidance on this matter.

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[99] Memorandum to Heads of All Agencies, Technical Guidance Memo. No. 1 for Revised Order No. 4, OFCCP Director's Office, Feb. 22, 1974.

[1] *United States* v. *Detroit Edison*, 365 F. Supp. 87 (E.D. Mich. 1973).

[2] 40 *Fed. Reg.* 13311, Mar. 11, 1975.

[3] *Supra*, note 4, p. 15.

Officials of three other compliance agencies said their officers had problems in determining whether affected-class situations existed or whether back pay was needed because OFCCP had not provided sufficient instructions or guidelines for making such determinations.

Until adequate guidance is provided, compliance agencies will be reluctant to initiate remedies when affected-class problems are identified—notwithstanding the fact that such remedies as back pay relief could act as strong deterrents to discrimination.

The Department issued a memorandum to all compliance agencies in May 1974 explaining its contract compliance program priorities and plans, which included issuing new or revised regulations on affected-class, back pay relief, and testing and selection procedures during FY 1975. In July 1974 the Department circulated proposed guidelines on selection procedures to the agencies for comment, and the Department stated that it was working with the Equal Employment Opportunity Coordinating Council on the guidelines. Also, the Department's plans called for it to respond within 10 days after receiving requests for specific guidance or clarification from compliance agencies. As of February 1975, OFCCP had not issued the new or revised regulations.

Guidelines on Sex Discrimination. OFCCP has also issued special Guidelines on Sex Discrimination.[4] The guidelines forbid contractors from discriminating on the basis of sex in employment opportunities, wages, hours, and other conditions of employment; from restricting one sex to certain job classifications because of State "protective" labor laws; and from stating a sex preference in recruitment or in advertisement. Contractors are required to take affirmative steps to recruit women for jobs from which they have previously been excluded.

The Guidelines on Sex Discrimination suffer from a number of serious defects. Contractors are permitted to maintain fringe benefit policies that have a differential effect on persons because of their sex, so long as the contractor's contributions for men and women are equal. Revised guidelines by OFCCP in 1973 set forth two alternatives: (a) the present system of equal contributions or benefits; or (b) equal benefits only. EEOC requires the latter practice.

Employers are permitted to require maternity leaves regardless of the individual's ability to continue working. In 1974, the U.S. Supreme Court held a school board's requirement that pregnant teachers terminate employment at a specified time during the pregnancy violated the due process clause of the 14th amendment.[5] The EEOC has taken the position that such policies are discriminatory.

The guidelines do not require employers to provide the same benefits for maternity as for other temporary disabilities. The EEOC's position is that lower benefits for maternity constitute sex discrimination.

Finally, the guidelines permit the use of a bona fide occupational qualification (BFOQ), without defining the narrow grounds permitting use of the BFOQ set out by the Federal courts. Proposed guidelines would define its use more narrowly but do not place the burden of establishing the BFOQ on the employer as the EEOC has.

Coverage and Enforcement. The Department of Labor designates agencies as compliance agencies with responsibility for contractors in specified industries, usually on the basis of Standard Industrial Codes, no matter which agency entered into the contract. Effective August 1, 1974, 11 agencies were designated as compliance agencies:

- Atomic Energy Commission (AEC);
- Department of Agriculture (USDA);
- Department of Commerce;
- Department of Defense (DOD);
- Department of Health, Education, and Welfare (HEW);
- Department of the Interior;
- Department of the Treasury;
- Department of Transportation;
- General Services Administration (GSA);
- United States Postal Service (USPS)—being transferred to GSA; and
- Veterans Administration (VA).

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[4] 41 CFR, sec. 60–20.

[5] *Cleveland Board of Education* v. *La Fleur*, 414 U.S. 632 (1974).

Compliance agencies are responsible for monitoring adherence to Revised Order No. 4 through compliance reviews.

The 13[6] compliance agencies conducted about 45,400 nonconstruction compliance reviews during FY 1972, 1973, and the first three quarters of 1974. DOD and GSA performed about 26,700 reviews, or about 59 percent of all reviews.[7]

Contractors with contracts of $50,000 or more who employ 50 or more persons are required to file regular reports which set out the number of employees in nine job categories by race, sex, and national origin.[8]

Contractors are not required to file regular reports explaining any affirmative action taken and the results of that action. Therefore, no evaluations of the progress of contractors' affirmative action plans are made unless a compliance review is conducted. Only a tiny portion of all Federal contractors are subject to compliance reviews.

For FY 1973, OFCCP recommended 45,000 reviews be conducted; the Office of Management and Budget (OMB) approved a total of 39,000; the agencies actually conducted only 21,823 or 55 percent of the total number of reviews on which their budgets were based. For FY 1974, OFCCP recommended a level of 53,234 reviews, but OMB approved only 43,557. However, based on agencies' reports to OFCCP, they conducted only 12,247 reviews, or 28 percent on which their budgets were based.[9]

Various sanctions may be applied to contractors who fail to comply with the provisions of the Executive order. The cancellation, termination, or suspension of a contract or any portion thereof may be imposed. Contractors may be debarred from further government contracts. A recommendation can be made to the Department of Justice or the EEOC to commence legal proceedings.

Revised Order No. 4 sets forth procedures which must be followed before sanctions may be imposed. Generally they provide that a "show cause" notice must be issued immediately to the contractor giving him 30 days to "show cause" why sanction proceedings should not be commenced. If the contractor fails to develop and implement an acceptable affirmative action program within 30 days, the agency must immediately issue a notice of proposed cancellation or termination and debarment from future contracts. During the 30-day "show cause" period, the agency must attempt conciliation with the contractor to persuade him to make the necessary adjustments.

If an agency reviewing a contractor prior to the award of a contract determines that the contractor's affirmative action program does not meet the requirements of Revised Order No. 4, the agency must declare the prospective contractor "nonresponsible," which means that his bid must not be considered. First, the agency must conciliate with the bidder.

Executive Order 11246 is an ineffective tool for the enforcement of women's employment rights unless adequate information is required of contractors, compliance reviews are conducted, and sanctions are promptly imposed when contractors fail to implement required changes. The compliance agencies are primarily responsible for enforcement.

Two types of reviews of nonconstruction contracts may be conducted under present guidelines.

Prior to the awarding of any contract in excess of $1 million, the contracting agency is required to obtain a preaward clearance from the compliance agency responsible for the particular industry. If the compliance agency has not performed a compliance review of the contractor within the preceding 12 months, preaward clearance may not be granted unless the compliance agency makes a preaward review and finds the contractor in compliance.

A recent study by the General Accounting Office (GAO) indicated that the preaward requirements were not always carried out.[10] In some cases compliance agencies granted preaward clearances without conducting the required preaward compliance review. Some contracting officers were awarding contracts exceeding $1 million without requesting a preaward clearance from the compliance agency.

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[6] There were 13 compliance agencies prior to Aug. 1, 1974.

[7] *Supra,* note 4, p. 5.

[8] State and local governments are not required to file these reports except for educational and medical institutions.

[9] "To Eliminate Employment Discrimination," *The Federal Civil Rights Enforcement Effort—1974,* July, 1975, p. 284.

[10] The GAO selected for study 84 contracts, each exceeding $1 million, which were awarded during FY 1974 by GSA, HEW, and DOD. Compliance responsibility for these contracts was assigned to DOD, the Department of Interior, and HEW. The compliance agency or contracting agency did not comply with Department preaward requirements for 25 of the 84 contracts selected (29.8 percent).

The GAO study also showed that the staffs of compliance agencies apparently do not understand the requirements of Revised Order No. 4 and approve affirmative action plans that violate regulations and guidelines.[11]

Twelve of the 13 compliance agencies examined by the GAO reported that they did not have complete information on all contractors for which their agencies were responsible.[12] Contractor identification is but the first step in implementing Executive Order 11246.

Finally, the GAO report revealed the reluctance of compliance agencies to begin enforcement proceedings when contractors are found to be in violation of Executive Order 11246. Lengthy conciliation efforts in violation of OFCCP regulations are used instead of the application of sanctions.

From July 1, 1971 through March 31, 1974, compliance agencies conducted about 45,400 compliance reviews. Five hundred and thirty-five show cause notices were issued (about 1.2 percent of all reviews conducted). Only two agencies imposed stronger enforcement efforts against 14 contractors. One contractor was debarred from future Federal contracts. Thirteen trucking companies were referred to the Department of Justice for legal action.

The overall effect of these various omissions has further crippled the effective use of Executive Order 11246.

Federal Equal Employment Opportunity[13]

The IWY Commission recommends that:

1. The President direct the Civil Service Commission (CSC) to change its current operations so that the Federal Government adheres to the same equal opportunity and affirmative action standards as are applicable to other employers.[14]

2. CSC immediately issue instructions for development of Federal agency affirmative action plans which are similar to Revised Order No. 4, Department of Labor. These instructions should include methods for conducting underutilization analyses (cross-tabulated by sex and race or ethnicity), identifying deficiencies, setting appropriate goals, and evaluating the results.

3. CSC closely monitor agencies' implementation of action items and goals. When agencies fail to meet goals and cannot demonstrate a good faith effort, CSC should institute a program review and, if necessary, initiate enforcement proceedings. Enforcement could include, but is not limited to, quarterly reports from the agency to CSC, a personnel management evaluation survey of the agency concerned, CSC testimony on the agency's EEO status during that agency's appropriation hearings, and revocation of the agency's appointing authority.

4. CSC issue revised complaint processing regulations which provide Federal employees alleging discrimination a full and fair proceeding consistent with title VII (Civil Rights Act of 1964) standards and which provide to complainants and allegedly discriminatory officials the same rights as parties in title VII proceedings.[15]

> **a. CSC should adopt the same procedures governing the filing of formal complaints as those used by the Equal Employment Opportunity Commission (EEOC), allowing complainants to allege continuing discrimination, providing for less strict time limitations, and treating within the scope of the initial complaint all issues like, and related to, the specific allegations made by the individual.**
>
> **b. CSC should establish an office for conducting complaint investigations at an agency's request. These investigations should use procedures consistent with title VII standards. CSC should be reimbursed by agencies for the service, and CSC should request the necessary resources from Congress.**
>
> **c. All hearings should be conducted before independent hearing examiners according to procedures adequate for protecting title VII rights. Examiners**

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[11] *Supra*, note 4, pp. 21–24.

[12] *Supra*, note 4, pp. 30–31.

[13] Recommendation approved by Enforcement of the Laws Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

[14] Substantially similar to recommendations of Commission on Civil Rights.

[15] Substantially similar to recommendations of Commission on Civil Rights.

should be certified based on demonstrated expertise in title VII law. Complainants should be given the right to subpoena witnesses and documentary evidence.

d. All findings of discrimination by hearing examiners should be binding on the agency unless reversed by the CSC Appeals Review Board.

5. CSC increase the frequency and quality of its evaluations of agency employment practices.[16]

a. CSC should annually conduct evaluations of more than 25 percent of all Federal facilities with more than 100 full-time employees.

b. Evaluation reviews should include a systematic investigation to determine if agency hiring, placement, or promotion practices have a disproportionately adverse impact on women.

c. Where such impact is determined, CSC should identify the "affected class" and should order the agency to provide relief to these individuals in the form of back pay and preferential status for hiring, transfer, or promotion.

Background[17]

The CSC is the regulatory agency for equal employment opportunity for Federal agencies and departments. Under the Equal Employment Opportunity Act of 1972, CSC has stepped up its equal employment opportunity (EEO) role for affirmative action plans (AAPs), processing complaints, and personnel management evaluation surveys. However, much remains to be done to bring CSC regulations into conformity with the requirements of title VII of the 1964 Civil Rights Act.

Affirmative Action Plans. Federal agencies have been required to maintain equal employment programs since the issuance of Executive Order 11246 in 1965.[18] Although CSC was charged with supervising the EEO programs, it refrained from formally approving or rejecting AAPs even after its authority was expanded in 1969 by Executive Order 11478.[19]

The 1972 amendments to title VII (Civil Rights Act of 1964) required that CSC review and approve plans on an annual basis.[20] In addition, agencies were required for the first time to submit regional plans, as well as national plans. The statute states that these plans must include provisions for employee training to promote individual advancement, a description of the qualifications of EEO personnel, and the allocation of resources to the EEO program. CSC has issued instructions on the minimum requirements for all annual plans.[21]

CSC's AAP guidelines are substantially weaker than the requirements imposed on Federal contractors under Executive Order 11246. CSC's guidelines do not [illegible] Federal agencies adequately to assess the disparities in their employment profiles, or to develop goals or annual objectives for eliminating such disparities.[22]

CSC does not require all Federal agencies to develop numerical goals and timetables. CSC's position continues to be that agencies are permitted, but not required, to adopt such affirmative action objectives on their own initiative, so long as the objectives are based on the current supply of qualified minority groups and women in the recruiting area.[23]

CSC reviews about 90 national and 1,200 regional agency AAPs each year.

In October 1973, CSC noted that the most frequently occurring deficiency in agency AAPs was the failure to analyze the agency's EEO status prior to the development of the plan.[24] Thus CSC's action plan instructions direct agen-

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[16] Substantially similar to recommendations of Commission on Civil Rights.

[17] This Background section is excerpted from *Federal Civil Rights Enforcement Effort*—1974, vol. V, July 1975, pp. 61–137.

[18] Executive Order 11246, Part I, 3 CFR, sec. 339 (1965).

[19] Executive Order 11476; 3 CFR, sec. 133 (1969).

[20] 42 USC, sec. 2000e–16(b).

[21] FPM Letter No. 713–22, Oct. 4, 1973. The basis for these instructions was provided in a memorandum from Robert E. Hampton, CSC Chairman, to the Heads of All Agencies and Departments, May 11, 1973.

[22] The Commission sees little real difference in philosophy between its guidelines and the regulations imposed on Federal contractors with respect to affirmative action because in the Commission's view, it directs Federal agencies to identify "potential sources of qualified minorities and women (which) appear to have not been fully tapped." Letter from Robert E. Hampton, CSC Chairman, to John A. Buggs, Staff Director, Commission on Civil Rights, May 2, 1975.

[23] Memorandum from Robert E. Hampton, CSC Chairman, to Heads of All Agencies, May 11, 1971. *See also* FPM Letter No. 713–22, Oct. 4, 1973.

[24] *Supra*, note 4.

cies first to make an assessment to identify problems to be corrected in the plan's implementation. The assessment must consider previous evaluations conducted by the agency or CSC[25] and should include, at a minimum, an analysis of the racial, ethnic, and sex composition of the agency's work force by organizational segment and by major job groupings, as well as an analysis of available persons in the labor market and the number of jobs projected to be filled over the next year.

CSC's instructions permit agencies to group job titles into major categories, such as professional or technical, clerical and office, and executive and managerial.[26] Such groupings can seriously distort the nature of the work force, since women and minorities could be relegated to only certain jobs within each grouping. The instructions further imply that the analysis of occupational groupings is to be conducted separately from the analysis of organization segments. Another deficiency is that agencies are not required to cross-tabulate work force data by race, ethnicity, and sex.

Further, CSC's instructions fail to clearly explain how availability for the labor market is to be determined.[27] In 1974, data from the 1970 census on the percentages of women and minorities employed in major professional occupations nationally and by State were distributed to CSC and agency regional offices to be used for determining availability. Other factors, however, such as participation in the work force as a whole, and college and vocational school enrollment, are not listed as factors to be considered.[28]

The assessment is also to consider previous agency self-evaluations of the EEO program. In February 1974, CSC issued revised Guidelines for Agency Internal Evaluation of Equal Employment Opportunity Programs.[29] The evaluation is not to focus exclusively on determining whether discriminatory patterns and practices have been eliminated. CSC's guidelines on EEO program evaluation assume that the basic ingredients required by CSC in an AAP are effective if implemented and, therefore, the guidelines limit evaluation to determining to what extent the required steps have been followed.

Following the assessment of the EEO profile, the agency is instructed to develop an action plan with an introduction explaining resources and organizations for the program, a report of accomplishments, and a report of specific actions to be taken during the plan year.[30]

The introduction must describe the responsibilities of the EEO program staff, the number of full- and part-time persons assigned to EEO responsibilities, and the training provided to these persons. CSC recommends that agencies provide at least one EEO counselor in each installation with 50 or more employees, and that at least one counselor be appointed for every 500 employees.[31] It has not, however, established any recommended guideline on full-time EEO staffing. As a result, the agencies' allocations of full-time staff to EEO vary widely.

Because CSC has not required adequate reporting in the accomplishment report, agencies generally fail to report on the numbers of minorities and women receiving the benefits of special programs or on the impact of previous action plans on minority and female employment. For example, agencies frequently report on the total number of persons who received training during the plan year without indicating the racial, ethnic, and sex composition of the trainees.

The final section of an agency AAP is the "Report of Specific Actions for the Coming Year." CSC has instructed agencies that action items are to be specific, annual objectives, based on "identified problem areas or impediments to equal employment opportunity. . . ."[32] Action items must cover eight topics: (1) organization and resources for the EEO program; (2) recruitment; (3) "Full Utilization of the Present Skills of Employees;" (4) upward mobility; (5) training and evaluation of supervisors; (6) agency participation in the community; (7) internal evaluation of the program; and (8) special programs for the economically or educationally disadvantaged. For each action item, the agency is to report the agency official responsible for implementation and a target date for completion.

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[25] The Commission requires agencies to conduct ongoing self-evaluations of their EEO programs.

[26] *Supra*, note 4.

[27] The Commission's instructions indicate only that the analysis should include "Availability of persons, including minorities and women, having the requisite skills and training in the agency's workforce and in the labor market which the agency uses as its recruiting source. . . ." *Supra*, note 4, Appendix II (3).

[28] However, the Commission cautioned agencies about using this data alone and encouraged them to consider other factors without indicating which ones.

[29] Guidelines for Agency Internal Evaluation of Equal Employment Opportunity Programs, Personnel Management Series No. 24, CSC, (Feb. 1974).

[30] *Supra*, note 4, Appendix II.

[31] "Qualifications Guide for Collateral Assignments Involving Equal Employment Duties."

[32] *Supra*, note 4, Appendix I.

Since CSC does not require that agencies include as an action item the setting of goals for improved changes in the employment status of minorities and women, relatively few agencies include numerical goals and timetables in their AAPs.

CSC's instructions on the development of goals[33] are vague and inferior to guidelines applicable to Federal contractors. The Department of Labor has specified that annual objectives, in percentage terms, must be greater than the work force availability, in percentage terms; otherwise, the ultimate objective would never be obtained. Agencies which do include "goals" in their affirmative action plans generally present what are, in effect, hiring objectives that even if followed would never enable the agency to reach a level of female or minority employment equivalent to the percentage which the agency has determined is available in the work force.[34] At least one agency established a hiring objective which led to a decrease in the percentage of the class whose employment status the agency had intended to improve.[35]

A second deficiency in the Commission's instructions on goals and timetables is the failure to state that agencies should consider only valid, job-related skills when determining the availability of minorities and women, or to state what the ultimate goal should be.[36]

Processing Title VII Complaints. Prior to the extension of title VII coverage to Federal employment, CSC had issued regulations governing employment discrimination complaints.[37] In 1971 congressional committees in both House and Senate criticized CSC's complaint procedures. Bias against complainants appeared to the committees to be inherent in the procedures, since the allegedly discriminatory agencies were responsible for investigating the complaints and rendering final decisions, unbound by the findings of the hearing officers. Agencies' final decisions were appealable to CSC's Board of Appeals and Review but were affirmed in most cases.[38] Finally, the committees found that the complaints system, as well as other parts of the Federal EEO program, had been seriously weakened by the Commission's narrow view of discrimination.[39] The Senate committee, whose provisions on Federal employment ultimately passed, reported that the new title VII authority was

> ". . . intended to enable the Commission to reconsider its entire complaint structure and the relationship between the employee, agency and Commission in these cases."[40]

CSC regulations in effect in 1975[41] set out detailed steps which aggrieved persons must follow in challenging employment discrimination in Federal employment. Following an informal process, complaints proceed through formal investigation and a hearing, if requested by the complainant, and are then subject to final decision by the agency head or other designated official. Complainants may file a civil action in U.S. district court after 180 days from the initiation of the complaint or after final agency action. They may also appeal the agency's final decision to CSC's Appeals Review Board.[42]

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[33] *Ibid.*

[34] For example, the Department of Agriculture determined that in 1970–71, women made up 15.5 percent and minorities 3 percent of all college graduates in the agriculture fields (biology, botany, bacteriology, microbiology, biochemistry, accounting, general engineering, agriculture engineering, civil engineering, veterinary medicine, chemistry, geology, and economics). It, therefore, established a "goal" of filling 15.5 percent of all professional openings with women and 3 percent with minorities during 1974.

[35] GAO set a goal in its 1974 action plan that 10 percent of all persons hired would be white women, although the percentage of white women employed at the agency at the beginning of the plan year was 15.1 percent. The percentage of white women at the agency by the end of the plan year had fallen by .1 percent; the decrease would have been even greater if the hiring objective had been followed.

[36] The Commission believes its instructions on goals are clear since they distinguish goals from quotas and do not include a reference to general population data. Hampton letter, *supra,* note 5.

[37] 5 CFR, sec. 713.211, *et seq.* (1969).

[38] Subcommittee on Labor of the Committee on Labor and Public Welfare, 92d Cong., 2d sess., Legislative History on the Equal Employment Opportunity Act of 1972 (Public Law 92–261), pp. 84, 423.

[39] *Id.* The Commission's complaint procedures were also strongly criticized in a report prepared by Ralph Nader's Public Interest Research Group in June 1972. See M. W. Brewer, Jr., Public Interest Research Group, *Behind the Promises: Equal Employment Opportunity in the Federal Government* (1972).

[40] *Supra,* note 21, p. 423.

[41] 5 CFR, sec. 713.211 *et seq.* (1974). The regulations adopted in 1969 were only slightly revised in 1972 following the enactment of the 1972 amendments to title VII, 5 CFR, sec. 713.211 *et seq.*, 37 *Fed. Reg.* 22717 (Oct. 21, 1972). A listing of the revisions made at that time is found in FPM Letter No. 713–17, Attachment 1, Nov. 3, 1972.

CSC regulations bar applicants[43] or employees from initiating individual complaints unless an informal complaint is first registered within 30 days of the date on which the allegedly discriminatory act occurred.[44] In addition, the complainant must allege a specific act of discrimination. The complaint is treated informally by an EEO counselor, who is directed to seek resolution of the matter. If informal measures fail, the counselor informs the aggrieved person of the right to file a formal written complaint.[45]

In the past, from 10 to 11 percent of all informal complaints developed into formal complaints, as shown in the following tabulation:[46]

	Number of Persons Counseled	*Number of Formal Complaints*
FY 1972	16,883	1,834 (11%)
FY 1973	26,627	2,743 (10.3%)
FY 1974	31,484	3,435 (10.9%)

When a complaint is filed, the head of the agency or designated official may reject any portion of the complaint which is of a general nature and not related to the individual.[47] In FY 1974, 10 percent of final complaint dispositions reported by agencies were rejections of complaints.[48] CSC has not issued clear guidelines specifying what types of allegations are "unrelated" to an individual complaint.[49] It has consistently held, however, that complaints alleging discrimination against a particular class of employees, of which the complainant is a member, are not within the purview of the standard complaint procedures.[50] In contrast, class and individual discrimination claims under title VII have historically been treated simultaneously, since the Federal courts have long held that employment discrimination is, by definition, class discrimination.[51]

The rule of rejecting portions of complaints not previously raised also appears to be contrary to the historic treatment of title VII complaints. Charges before the Equal Employment Opportunity Commission (EEOC) have generally been broadened, where appropriate, to encompass like and related issues to the one raised by the charging party,[52] on the ground that victims of employment discrimination most often do not comprehend the complex sources of that discrimination.

If a complaint is not rejected, it is then the responsibility of the agency's EEO officer to provide for the complaint investigation.[53] The regulations do not require that investigators be certified or trained in employment discrimination matters.[54] Until September 1974, CSC provided agencies with investigators on a reimbursable basis. Effective September 3, 1974, agencies were required to assign their own staffs to investigations.[55]

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[42] The name of the Board of Appeals and Review was changed in 1974 to the Appeals Review Board.

[43] The Commission strictly construes the definition of applicant for employment. It has held, for example, that a person who takes a Federal Government basic entry examination but who has not applied for employment at a specific agency is not an applicant with the Civil Service Commission or other agency and, therefore, may not file a complaint. Appeals Review Board Decision in Case No. 713–74–278, Dec. 11, 1973.

[44] The current regulations do not contain a provision included in previous regulations which permitted the filing of a complaint at any time if the alleged discrimination was continuing in nature. Compare 5 CFR, sec. 713.213 (1969) with 5 CFR, sec. 713.214 (1972). Title VII complainants may file discrimination charges with the EEOC against private employers or State and local governments within 180 days of the date of the alleged discriminatory act, 42 USC, sec.2000e-5(e), but the statutory time limitation has been held not to apply in cases charging continuing discrimination. *Culpepper* v. *Reynolds Metals Co.*, 296 F. Supp. 1232, 1235–6, (N.D. Ga. 1969), rev'd on other grounds, 421 F.2d 888 (5th Cir. 1970).

[45] The Commission maintains that "the great majority of EEO-related issues of concern to employees are resolved informally, and some form of corrective action is taken by the agency as a result of over one-third of these contracts with counselors."

[46] Memorandum to Irving Kator, Assistant Executive Director, CSC, from Anthony W. Hudson, Director, Office of Federal Equal Employment Opportunity, CSC. Aug. 23, 1974.

[47] *Id.* 5 CFR, sec. 713.215. The complainant may challenge such a rejection by appealing to the Commission or by filing a civil action.

[48] Hudson memorandum, note 29.

[49] The Commission has merely indicated that allegations of discrimination which do not fall within the purview of the regulations are those not filed by an employee or applicant for employment in the agency where the act occurred, do not relate to an employment matter over which the agency has jurisdiction, or are not based on race, color, sex, religion, or national origin. FPM Letter No. 713–213, Sept. 21, 1973.

[50] *See*, e.g., Appeals Review Board, decision in Case No. 713–74–275, Dec. 10, 1973. The complainant alleged that an agency policy of controlling grade escalation, which applied to only two job classifications, was discriminatory on the basis of sex, since virtually all employees in the two classifications were women. The complainant was an employee in one of the two job categories.

[51] *See*, e.g., *Oatis* v. *Crown Zellerbach*, 398 F. 2d 496, 499 (5th Cir. 1968); *Jenkins* v. *United Gas Corp.*, 400 F.2d 28, 33 (5th Cir. 1968).

[52] *See*, e.g., *Sanchez* v. *Standard Brands, Inc.*, 431 F.2d 455 (5th Cir. 1970).

CSC regulations further provide that the investigation include a thorough review of the general work environment in which the complaint arose and a comparison of the

> ". . . treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organizational segment in which the alleged discrimination occurred. . . .[56]

This provision mitigates against proper analysis of the work force, since the complainant's group is to be compared with the aggregate of all other groups rather than with each separate group. In addition, the term "organizational segment" is not defined.

CSC issued guidelines in 1971 explaining in more detail how complaint investigations are to be conducted.[57] These Investigation Guidelines suffer from deficiencies, only a few of which would be eliminated in revised draft guidelines.[58] The most serious deficiency is their failure to include a correct definition of the meaning of discrimination. The guidelines implicitly adopt a definition limiting discrimination to overt acts or patterns of "unfair treatment."[59] The draft guidelines did not correct this deficiency,[60] despite the well established rule under title VII that illegal discrimination includes also neutral treatment which had a disparate effect on any ethnic, racial, or sex group, unless justified by some compelling, nondiscriminatory purpose.[61]

Second, the guidelines generally limit the scope of the investigation to the actions and decisions of the allegedly discriminatory agency official and to the organizational segment in which the complaint arose.[62] The proposed new guidelines would permit extending the investigation to other units under the same administrative jurisdiction but not to the agency as a whole.[63]

Third, the guidelines fail to include essential instructions on investigating a personnel action. The guidelines merely instruct the investigator to list the name, sex, race, or ethnicity of each of the candidates and their relative ranking. There are no instructions to investigate the possibility of systemic discrimination in the ranking itself or in the process by which candidates were placed on the certificate list of eligibles.[64]

Finally, both sets of Investigation Guidelines suffer from vagueness. For example, both instruct the investigator to determine whether there exists

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[53] 5 CFR, sec. 713.216.

[54] *Id.* Investigators of Federal title VII complaints may be persons with investigative experience or those who work in occupations requiring investigative skills, such as attorneys, auditors, personnel management specialists, or management analysts. FPM Letter No. 713-34, *supra*. The Commission provides training for agency investigators, and has proposed a rule which would require certification by the Commission. Hampton letter, *supra*, note 5.

[55] FPM Letter No. 713-34, June 1974. However, between Sept. 1973 and Apr. 1975, the Commission conducted 18 investigations on the requests of agencies and between Dec. 1974 and Apr. 1975 assumed jurisdiction of 62 complaint investigations because of undue delay by agencies. Hampton letter, *supra*, note 5.

[56] 5 CFR, sec. 713.216.

[57] Investigating Complaints of Discrimination in Federal Employment, CSC, Oct. 1971 [hereinafter cited as Investigation Guidelines].

[58] Draft Investigation Guidelines (undated), provided by Anthony W. Hudson, Director, Office of Federal Equal Employment Opportunity, CSC, Nov. 1, 1974 [hereinafter cited as Draft Investigation Guidelines].

[59] The current guidelines state that the "investigation should be sufficiently comprehensive to uncover any evidence of overt discrimination and should develop enough information to bring out . . . any pattern of nonselection or unfair treatment of members of the complainant's group which might constitute evidence of discrimination . . ." Investigation Guidelines, *supra*, note 40, p. 5.

[60] The draft guidelines state that "A pattern of discrimination is established by evidence which shows disparate treatment of members of the complainant's group when compared with the treatment of members of other groups." Draft Investigation Guidelines, *supra*, note 41, pp. 29-30.

[61] *Griggs* v. *Duke Power Co.*, 401 U.S. 424 (1971).

[62] Investigation Guidelines, *supra*, note 40, p. 9. This limitation can operate severely to the disadvantage of the complainant, since statistical evidence based on the agency as a whole has been held to be highly material to an individual's case. *See*, e.g., *Robinson* v. *Warner*, No. 1654-23 (D.D.C., June 24, 1974) in which the court supplemented the administrative record with statistical evidence based on the entire Navy Command Systems Support Activity and reversed the agency's final determination of nondiscrimination.

[63] Draft Investigation Guidelines, *supra*, note 41, at 30.

[64] Investigation Guidelines, *supra*, note 40, at 15-17.

> ". . . any improper segregation of personnel by reason of their membership in the group alleged to have been discriminated against,"[65]

but there is no explanation of the meaning of the term "improper."

The draft guidelines contained two distinct improvements over the current guidelines in that they emphasized the importance of the investigator's maintaining independence from the agency's officials, and that they permitted the investigator to collect information relevant to a basis of discrimination other than that charged by the complainant. The revisions were prepared without consulting with EEOC,[66] despite a clear request from Congress in 1972 that CSC obtain EEOC's advice on equal employment matters.[67]

CSC regulations require the agency to make a second attempt to resolve the complaint informally. If an adjustment of the complaint is not obtained, the complainant is to be notified of the proposed disposition by the agency and of the right to request a hearing. In FY 1974, slightly fewer than 25 percent of the complainants whose cases were decided had requested and received a hearing.

Hearings are closed proceedings[68] conducted by a complaints examiner, who is certified by CSC[69] and who must be an employee from another agency except in unusual circumstances. The complainant has the right to be represented by counsel and to cross-examine witnesses, but not the right to obtain information other than that collected by the agency or to subpoena documents or witnesses.[70]

To assist complaints examiners, CSC issued an examiner's handbook in April 1973, which gives instructions on preparing for and conducting a hearing, admitting and evaluating evidence, and writing recommended decisions. The Discrimination Complaints Examiners Handbook contains no guidelines or information on substantive title VII law.[71] In addition, the handbook's instruction concerning the meaning of discrimination and questions of burden of proof are contrary to the weight of authority under title VII.

The findings and recommendations of the complaints examiner are not binding on the agency unless the examiner recommends a finding of discrimination and the agency has not issued a final decision within 180 days after the complaint was filed.[72] During FY 1974, 7 percent of final agency dispositions made a finding of discrimination.[73]

Title VII authorizes the Federal complainant to file a civil action in U.S. district court if the agency does not make a decision within 180 days or within 30 days of the final agency action. A complainant may also file a civil action after appealing to CSC's Appeals Review Board.[74] In FY 1974, about 30 percent of agencies' final dispositions of complaints were appealed to the Appeals Review Board.[75] In about 75 percent of these cases, the agency decision finding no discrimination or rejecting the complaint was affirmed.

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[65] Investigation Guidelines, *supra*, note 40, at 10; Draft Investigation Guidelines, *supra*, note 41, at 31.

[66] Hudson telephone interview, *supra*, note 221. The Commission consulted with representatives from agency internal EEO programs, including representatives from EEOC. However, the Commission did not consult with the EEOC Office of Compliance. Hampton letter, *supra*, note 5.

[67] Legislative History, *supra*, note 42, at 425. The Commission's staff indicated that EEOC was not consulted concerning the revision because the Commission perceived that the two agencies had basic differences in approach to investigations. According to the Commission's staff, Federal complaint investigators are to look for evidence that individuals received disparate treatment; the Commission's staff felt that EEOC investigations were directed primarily to collecting statistical evidence on the class as a whole. Hudson telephone interview, *supra*, note 29.

[68] Only persons directly connected with the complaint may attend. 5 CFR, sec. 713.218(c)(1). However, the allegedly discriminatory official is not entitled to be present. Discrimination Complaints Examiners Handbook, Office of Federal Equal Employment Opportunity, Apr. 1973, at 36.

[69] 5 CFR, sec. 713.218(a). Complaints examiners must meet the qualifications established in the Commission's GS–930 (Hearings and Appeals) Series, which is applicable to most hearing officer positions not subject to the Administrative Procedure Act. A law degree is not required but may substitute for work experience in adjudicating cases. Expertise in title VII law or employment discrimination matters is not required. Memorandum to J. Philip Bohart, Acting Director, Personnel and Labor Relations Division, from H. Alan McKean, Chief, Standards Division, Apr. 1, 1974.

[70] The complaints examiner has the authority to require agencies to produce witnesses requested by the complainant when the complaints examiner determines that the testimony is "necessary" and where it is not "administratively impracticable" for the agency to comply with the request. 5 CFR, sec. 713.218(e).

[71] CSC does, however, provide a digest of title VII cases for complaints examiners. Hampton letter, *supra*, note 5.

[72] 5 CFR, sec. 713.220(d) and 713.221(b).

[73] A finding of discrimination was made in 170 of 2,650 dispositions. Hudson memorandum, *supra*, note 221. Final dispositions include rejections or cancellations of complaints. Findings of discrimination constituted 12.8 percent of all decisions on the merits. Complaints examiners made findings of discrimination more frequently than did agencies. In the 643 cases which went to a hearing,

The Board reviews the record to determine if it shows that the complainant was subjected to disparate treatment.[76] It does not consider discrimination in the form of disparate impact. If disparate treatment is shown, the burden is then shifted to the agency to come forward with evidence that the treatment was justified by some lawful purpose, such as CSC or agency qualification standards. The Board does not follow or refer to judicial decisions interpreting the substantive or procedural requirements of title VII, nor does it follow the rule of *stare-decisis* with regard to its own prior decisions.[77]

Although it is well settled under title VII law that the complainant need not show direct proof of intentional discrimination and that a statistical disparity shifts the burden to the employer to show evidence of nondiscrimination, the Board does not apply this standard. In one case decided in 1973, the Board correctly followed this standard but was reversed by the commissioners.[78]

The 1972 amendments to title VII gave the Commission express authority to order reinstatement, back pay, and other relief to persons found to be victims of discrimination. However, such persons are not entitled to back pay or other retroactive relief unless the record shows that the person would have been hired or promoted but for the impermissible discrimination.[79] As a result of CSC's restrictive interpretation, full relief is rarely provided to discrimina[illegible]. In FY 1973, retroactive relief was provided in 22 (or 3 percent) of 778 cases in which action was taken to correct discrimination.[80]

The Commission maintains that it is incorrect to state that complainants face severe disadvantages throughout its procedures. "The rights of the complainant," the Commission maintains, "are fully safeguarded and the Commission standards are in fact more favorable to the complainant than is required by the courts under Title VII proceedings in the private sector."

Evaluating Agencies' Compliance. The Office of Federal Equal Employment Opportunity (FEEO) does not conduct independent reviews of the agencies' personnel systems. Instead, this review function is assigned to the Bureau of Personnel Management Evaluation and Personnel Management Evaluation Divisions within the regional offices, which are responsible for evaluating agencies' compliance with all CSC regulations.

The Bureau's headquarters and regional staffs

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complaints examiners recommended a finding of discrimination in 109 (16.9 percent) cases. Agencies adopted contrary findings in 26.6 percent of these cases. CSC, Office of Federal Equal Employment Opportunity, Performance by Agency and CSC Complaints Examiners in EEO Discrimination Complaint Cases During FY 1974 (undated).

[74] The Appeals Review Board, formerly called the Board of Appeals and Review, consists of nine members appointed by the Chairman of the Commission. Board members are career civil servants who serve at the pleasure of the chairman. As of Nov. 1974, the Board consisted of 6 anglo males, 1 black male, 1 Spanish surnamed male, and 1 black female, all of whom are attorneys. None of the staff or Board members, as of Nov. 1974, had had any previous experience in title VII law. Interview with William Berzak, Chairman, Appeals Review Board, Nov. 7, 1974.

[75] Of the 2,650 final dispositions, 808 were appealed to the Board during FY 1974. Appeals Review Board, Receipts and Production: EEO Appeals (Oct. 26, 1974).

[76] The Board's definition of "disparate treatment" appears to be extremely narrow. It has held, for example, that "favoritism" is not a form of discrimination prohibited by law or regulations. Appeals Review Board Decision in Case No. 713–74–285, Dec. 17, 1973, wherein the complainant alleged that supervisors showed favoritism to white employees.

[77] The decisions of the Appeals Review Board are largely ad hoc dispositions which do not refer to prior decisions of the Commission or any substantive rules of law.

[78] Minutes of the Civil Service Commission, Nov. 14, 1973, reversing Appeals Review Board Decision No. 713–73–465.

[79] *Id.* Thus, the Commission has held that where sex discrimination was found in the denial of a promotion to a female complainant, she was not entitled to retroactive relief, even though she was the top-ranked candidate for the position, on the grounds that she might have been denied the promotion on grounds other than sex, since hiring officials have some limited discretion. Appeals Review Board, Decision in Case No. 713–74–437, Mar. 14, 1974.

[80] Hudson telephone interview, *supra*, note 29. Hampton letter, *supra*, note 5.

conduct periodic on-site reviews of agency personnel practices and programs to investigate recruiting, hiring, job classification, and merit promotion practices. In addition, the Bureau conducts special inquiries focusing on labor relations or equal employment opportunity.

Altogether, there are an estimated 4,000 Federal agency installations which fall within the Bureau's responsibility to review.[81] With limited resources, the Bureau and its regional offices are not able to review a significant portion of the total facilities in a given year. Less than 15 percent of government installations are subject to the Commission's evaluation review per year.

Both special and general reviews commence with a notification to the agency and a request for certain information, which are followed by an on-site evaluation of the installation and the preparation of a final report. The EEO questionnaire requests a copy of the agency's affirmative action plan,[82] a listing of recruiting contacts, a description of the internal EEO evaluation system, a summary of formal complaints filed, and copies of any analyses made by the agency of training and advancement opportunities for women and minorities.

In addition, the questionnaire requests the agency to submit available statistical data showing the proportion of women and minorities in each grade and general occupational code, and in supervisory and nonsupervisory positions. While the statistical format suffers from some of the same deficiencies found in the Affirmative Action Plan assessment report,[83] it is superior in that it requests the agency to provide statistics showing the proportions of women and minorities hired or promoted, although not by grade levels or occupational series.

The evaluation of staffing is designed to determine whether the agency's recruitment, selection, and placement activities conform to CSC regulations, merit principles, and statutory requirements.

Attention is also to be given to patterns in placements and appointments to determine if the agency is filling positions at unnecessarily high levels or if it has limited its recruitment to sources unlikely to produce minority candidates.[84] Other than the foregoing, there are no references in these guidelines instructing advisers to review for patterns or practices having a disparate or discriminatory effect.[85]

Guidelines were issued in March 1974 concerning the conduct of a special equal employment review of an agency's practices and Affirmative Action Program. These guidelines outline the enforcement role of the CSC, the types of discrimination which should be detected, and the remedies available to correct the results of discrimination. The guidelines appear to be the first operating materials which state that the discrimination which CSC is required to eliminate is not only disparate treatment but also practices which have a disparate impact on minorities and women.

Although the CSC officially defines discrimination as disparate treatment and follows that view in the context of the regular complaints procedures, the EEO Evaluation Review Guidelines appear to contain an expanded definition including practices having a disparate impact and which cannot be explained in some way by the agency.

When an individual is found to have been discriminated against, the evaluator is to advise the employee to initiate the complaint process.[86] Nevertheless, the guidelines include examples of corrective action that may be ordered when special evaluation reviews find that individual applicants or employees were denied employment or promotion due to discrimination.[87] When patterns or practices are identified which adversely affect identifiable groups, corrective action may include back pay, retroactive promotion, or priority consideration for those individuals adversely affected.

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[81] Hampton letter, *supra*, note 5

[82] The Commission maintains that action plans have received "increased scrutiny in terms of relevance and accomplishment" since 1972. Hampton letter, *supra*, note 5.

[83] For example, the form fails to require that data be cross-tabulated by race, ethnicity, and sex, which can result in counting minority females twice.

[84] CSC Operations Letter No. 273-702, May 1, 1973, Attachment II.

[85] FPM Supp. (Int.) 273-73 (Mar. 1974). The Commission issued preliminary guidelines in December 1972, CSC Operations Memorandum 273-61, which were revised in Sept. 1973. CSC operations Letters No. 273-730, prior to final adoption in 1974. Hampton letter, *supra*, note 5.

[86] FPM Supp. (Int.) No. 273-73 (Mar. 1974) p. 66.

[87] *Id.*, p. 67. The guidelines limit the granting of retroactive relief to those persons who would have received employment or promotion but for the discrimination.

In short, the guidelines include only examples of situations in which the evaluator comes upon a possible pattern of discrimination, but they do not provide any instructions pertaining to a systematic analysis which would uncover these patterns in the first place.

In addition to reviewing the agency personnel practices for possible discrimination, CSC's evaluation team is to assess the processing of complaints and the agency's Affirmative Action Program to determine whether the action items are being implemented and whether they are adequate to meet objective EEO needs. The only section of the Affirmative Action Review Guidelines suggesting any quantitative analysis pertains to the number of upward mobility participants, the number of target positions, and the number of participants placed in target positions.[88] The evaluator should scrutinize the agency's development of numerical objectives to assure that they are reasonable and were developed in accordance with CSC's instructions. Evaluators may recommend the use of numerical goals but are prohibited from recommending what those objectives should be.[89]

Once the evaluation has been completed, CSC prepares a report making findings and setting forth requirements and recommendations. Actions are required of agencies to correct regulatory or statutory violations. Actions are merely recommended if the evaluator determines that title VII and the Executive order have been followed, but additional measures would be useful or helpful.[90]

Evaluation reports prepared after the enactment of the title VII amendments in 1972 did not reflect any meaningful improvement in the quality of CSC's evaluation of agency personnel practices in terms of EEO.[91]

These reports indicated that CSC continued to fail to investigate the possibility of an adverse impact on minorities and women resulting from personnel practices which CSC identifies as merit system violations. Numerous criticisms were made in these reports concerning agency practices in recruitment, hiring, training, performance evaluations, and promotion procedures, but there was no indication that the evaluators considered the impact of such practices on minorities and women.

The general review reports revealed some evidence that the Commission's evaluations, themselves, might disparately affect women. Two of the reviewed reports included the results of the Commission's evaluation of the agency's position classifications. In one review, 100 percent of the reviewed positions held by females, but only 35 percent of the reviewed positions held by males, were required by the Commission to be downgraded. In the second report, 80 percent of the positions held by females and 60 percent of those held by males were downgraded.[92]

It appears that CSC has not made meaningful improvements since 1972 in its evaluations of agencies' personnel practices as they bear on EEO. Further, CSC has failed to exercise the expanded authority it was granted by Congress in 1972 to correct discriminatory practices and to give relief to victims of discrimination.[93]

Revenue Sharing[94]

The IWY Commission recommends that in the administration of General Revenue Sharing (GRS), Department of Treasury, the nondiscrimination provisions should be given a high priority. Failure by recipients of GRS funds to adhere to the nondiscrimination regulations

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[88] FPM Letter No. 273–24 (Mar. 1974), Attachment.

[89] FPM Supp. (Int.) No. 273–73 (Nov. 1972), at A–45.

[90] *Id.*, at A–46.

[91] The Commission recently wrote that it strongly disagreed with this generalization which it notes is based on a review of only seven reports issued after the 1972 amendments, Hampton letter, *supra*, note 5.

[92] Sex data were collected on the basis of the names of individual incumbents listed in the reports. Interview with Paul Wright, Chief, Planning and Review Section, BPME, CSC, Nov. 18, 1974.

[93] The Commission maintains that the passage of the 1972 amendments to title VII required "a greater depth and intensity of evaluation, rather than a totally different approach." The Commission believes that its evaluations, and the changes which have been implemented since 1972, have been responsive to congressional intent. In addition, in its opinion, the foregoing analysis of its evaluation reports "(a) was so selective as to distort the picture, (b) paraphrased CSC findings in loaded terms, and (c) wrenched conclusions from CSC findings which go beyond what the facts would support." Hampton letter, *supra*, note 5.

[94] Recommendation approved by Enforcement of the Laws Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

should be dealt with promptly and firmly through enforcement procedures, including the withdrawal of GRS funds. The Office of Revenue Sharing (ORS), Department of Treasury, should issue strengthened regulations and allocate adequate resources for monitoring and enforcing the nondiscrimination provisions. State and local governments should be held to the substantive standards developed by the Equal Employment Opportunity Commission, particularly with respect to selection procedures, fringe benefits, definition of *bona fide* occupational qualification, and State protective labor laws.

How Revenue Sharing Operates[95]

GRS is administered by the ORS, Department of the Treasury. GRS funds represent new Federal funds to State and local governments and contain significantly fewer requirements than categorial grants. ORS promulgates regulations to assist recipient governments in conforming to the the requirements of the act.[96]

The act appropriated $30.2 billion in aid over a 5-year period beginning January 1, 1972, and ending December 31, 1976. The payments began at an annual rate of $5.3 billion for calendar year 1972 and increased annually to $6.5 billion in calendar year 1976, with two-thirds of the total amount appropriated each year going to local governments, and the remaining one-third to the States.

The act limits primary recipients of funds to State governments, units of general government, such as counties, municipalities, townships, Indian tribes and Alaskan native villages which are the governing body, and the District of Columbia. Excluded from this definition are special government districts such as school boards, library districts, fire districts, and other special purpose districts. Over 38,000 governmental units are receiving revenue sharing funds.

State governments may use revenue sharing funds for whatever programs they believe are necessary. However, the act specifies that local governmental recipients may use the funds only for certain broad categories. "Ordinary and necessary maintenance and operating expenses" may be funded for the following categories: public safety, environmental protection, public transportation, health, recreation, libraries, social services for the poor or aged, and financial administration.

Local units of government may also expend revenue sharing funds for capital expenditures that are otherwise authorized by law. Capital expenditures on educational or welfare facilities are permissible.[97]

The act allocates funds to recipient States according to one of two formulas: The first determines a State's share according to its population, tax effort, and per capita income; the second considers each of these factors, plus the number of urbanized population and the amount of adjusted income tax collections. The formula used is that yielding the larger amount of funds for the State.

The local entities receive their share of the State's total allocation according to a formula which considers the population, tax effort, and per capita income of residents.

The act provides a ceiling on the amount of funds a governmental unit may receive. None may receive (per capita) for more than 145 percent of the State's average (per capita) entitlement. A minimum amount of funding is provided to every governmental unit, regardless of need. Consequently, some jursidictions receive funding that is not required by comparison with other communities.

Recipients must submit two types of reports to ORS. The first, a "planned-use report" describes how recipients intend to use the funds. The second is an "actual use" report which describes how funds were spent. Both types of reports must be published in local newspapers with wide circulation.

Nondiscrimination Provision

Perhaps the most important requirement of the act is the prohibition against discrimination based on sex, race, color, or national origin, in participating in or providing the benefits of any program or activity funded in whole or part with revenue sharing funds.

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[95] All the background information on revenue sharing is excerpted from a study by Denise B. Leary, WEAL Legal Defense and Educational Fund, under contract with the IWY Commission.

[96] Public Law 92-512.

[97] See, e.g., "One Year of Letter Rulings on General Revenue Sharing," Department of the Treasury, Office of Revenue Sharing, Mar. 1974, and Report of the Staff of the Joint Committee on Internal Revenue Taxation, "General Explanation of the State and Local Fiscal Assistance Act," U.S. Congress, Feb. 1973.

The act permits ORS to take a variety of actions when discrimination occurs and the recipient refuses to comply with the act. ORS may refer the matter to the U.S. Attorney General for appropriate legal action; may exercise the powers provided by title VI of the Civil Rights Act of 1964, which includes the suspension or termination of funds; and may take any other action provided by law. The U.S. Attorney General may bring suit under the act, without a referral by ORS, if there is reason to believe that a pattern or practice of unlawful discrimination has occurred.

ORS is charged with sole responsibility to enforce the nondiscrimination provisions. All of ORS' offices are located in Washington, D.C.; it has no regional offices or staffs. The Compliance Division of ORS is responsible for monitoring the nondiscrimination provisions of the act. This division is also charged with overseeing recipients' compliance with all other requirements of the act. To carry out its responsibilities, the division conducts audits of recipients.

ORS described its compliance staff and equal rights enforcement program in 1974:

> . . .although each is not a "civil rights specialist," the work of everyone is directly related to our civil rights compliance activities. For example, all audits include civil rights compliance, and all civil rights complaints are audited with our audit staff gathering as much information as feasible on civil rights as well as other situations of noncompliance.[98]

A special civil rights unit has been established within the Compliance Division, and employs four full-time civil rights compliance workers plus supportive staff. The Compliance Division employs a total of 74 persons. Additionally, auditors conducting general compliance audits may inquire into some of the civil rights practices of the recipient.

Audits are the principal means used by ORS to determine compliance with *all* of the act's requirements. Former ORS Director Graham W. Watt outlined ORS' mechanism in a statement before a subcommittee of the Congress:

> . . .Rather than create a large, bureaucratic organization of auditors, investigators, analysts and other federal employees, we propose to construct and manage a comprehensive compliance *system* which relies upon a variety of existing audit resources, augmented as necessary by ORS staff.[99]

ORS publishes an Audit Guide and Standards for Revenue Sharing Recipients. The civil rights section sets forth eight areas for questioning by auditors. They pertain to EEO reports filed with the Equal Employment Opportunity Commission (EEOC), and other recordkeeping requirements; State or local fair employment practices agencies; whether these agencies have complaints against the recipient on file; internal civil rights enforcement by the recipient; other pending civil rights law suits against the recipient; the existence of affirmative action programs; placement of facilities funded by revenue sharing that results in an *obviously* discriminatory denial of benefits or services; and any policies established by the recipient concerning nondiscrimination in employment.

The civil rights review conducted according to these questions is a very limited one. ORS has indicated that only some of its auditors have received training in conducting any civil rights investigation. However, ORS argues that audits are no longer the primary means for receiving informaton concerning discrimination. ORS has over 250 complaints on file and has entered into agreements with the EEOC, HEW, and the Department of Justice for purposes of coordinating compliance activities.

ORS is also relying on State-conducted audits for indications of civil rights violations. Each State has an audit system for its revenue sharing funds and those given to local governmental units. ORS has entered in a formal agreement with slightly more than 40 States, to use State audit procedures to determine compliance with the requirements of revenue sharing. ORS has made these agreements only when State auditing units are independent entities or are associated with the legislative branch of the State in a manner similar to the General Accounting Office's relationship with the Congress.

ORS has generally required the State audit to incorporate ORS' Audit Guide procedures, including the limited material pertaining to nondiscrimination and civil rights activities. ORS periodically checks the State-conducted audits to determine if they are being done properly.[1] In the States in which ORS has not entered an audit agreement, ORS is relying on audits conducted by independent public and private accountants.

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[98] Hearing on Revenue Sharing Before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 93d Cong., 2d sess., Part I, p. 52, 1974.

[99] Statement of Graham W. Watt, before the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary, Sept. 6, 1973.

ORS argues that it must rely on State-conducted audits because of the sizable number of recipients (over 38,000) and its own small staff. The former Director of ORS indicated his intention that civil rights compliance reviews would be conducted with a small staff, which exercised a "managerial role rather than being involved primarily in making, individually, a substantial number of field visits and investigations."[2]

However, the State audits have not been successful in providing ORS with information concerning violations of the act's nondiscrimination provisions. One recent study indicates that of about 2,000 audits performed under agreements with ORS, from June 1974 to April 1975, 162 violations of provisions of the act or regulations were revealed. However, not one pertained to the nondiscrimination provisions.[3] At the same time, the number of complaints alleging discrimination which were filed with ORS, rose dramatically.

One obvious reason for the poor quality of information being received by ORS is that the auditors have not received any technical training to assist them in conducting the civil rights investigation. Additionally, the questions set out in the Audit Guide are far from comprehensive. Finally, auditors may not be sufficiently informed of the importance of determining that the nondiscrimination provisions of the act are complied with.

ORS' overall level of staffing is low and the staffing of its civil rights compliance unit is particularly low. Only four full-time professional employees are engaged there, compared with over 100 professional staff members in the Elementary and Secondary Education Division of the Office for Civil Rights of HEW. The latter is responsible for overseeing nearly 39,000 recipients of revenue sharing funds. Equally significant, is the fact that about $30.2 billion in Federal funds will be given to recipients over a 5-year period. Revenue sharing constitutes the largest single Federal grant program.

Violations of the nondiscrimination provisions can be of two general types. The first is discrimination in the employment practices of the recipient, of the recipient's contractors, and of agencies which receive revenue sharing funds for programs. The second kind of discrimination occurs in the denial of equal services and benefits to the groups protected under the act.

Another concern to women's groups and civil rights organizations has to do with the recipient's use of funds "freed up or displaced" by receipt of revenue sharing funds. Recipients can easily circumvent the nondiscrimination requirements by using moneys freed-up by revenue sharing to fund discriminatory programs by juggling entries on account books.

One Federal court has held that revenue sharing funds may not be spent indirectly for purposes prohibited by the act.[4] In that case, the city of Atlanta was permanently enjoined from using $4.5 million of revenue sharing funds to provide rebates to individuals and businesses which maintained water accounts with the city. The court stated that it was Congress' intention that revenue sharing funds be used by local units for one or more of the categories enumerated in the act. Any circumvention of that intention was void under the act.

ORS has argued that the absence of a similar provision pertaining to discrimination prevents ORS from issuing regulations prohibiting indirect use of funds. In light of the district court's decision in the *Mathews* case, it is more likely that ORS has the affirmative obligation of insuring that revenue sharing funds are not indirectly used to fund discriminatory programs.

ORS has recently revised its regulations concerning discrimination in programs funded with revenue sharing moneys. Among the acts based on race, sex, color, and national origin which are prohibited are:

- Denying any benefits or services;

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[1] ORS plans to check on 10 State-conducted audits in FY 1975 and 20 such audits in FY 1976.

[2] Testimony of Graham W. Watt, before the Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary, Sept. 6, 1973, p. 22.

[3] Civil Rights Under General Revenue Sharing, Center for National Policy Review, July 1975, p. 73.

[4] *Mathews* v. *Massell* 356 F. Supp. 291 (N.D. Ga. 1973).

- Providing any benefit or service which is different from that provided others;
- Subjecting persons to segregated or separate treatment;
- Restricting any privileges or advantages received by others;
- Treating any person differently in determining qualifications for any program, etc.;
- Denying any person the opportunity to participate in a program; and
- Denying any person an equal opportunity to participate as an appointed member of a planning or advisory body in connection with the use of revenue sharing funds.

Recipients are also prohibited from using criteria or methods of administration which have the effect of:

- Subjecting individuals to discrimination; perpetuating the results of past discriminatory practices; and
- Defeating or impairing the success of a program for individuals.

The regulations also set out some requirements for facilities built or operated with revenue sharing funds. Recipients may not select or use sites which have the effect of:

- Excluding individuals from their benefits; or subjecting individuals using the facilities to other forms of discrimination.

The following tabulation[5] shows the extent to which women and minorities are employed in State and local governments:

Type of government	*Percent*	
	All minorities	*Women*
State	14.1	42.9
County	16.3	46.9
Municipal	23.1	19.9
Township	3.9	17.4
Special district	26.0	45.4
All types	18.2	34.7

Women were least represented in township and municipal employment. These levels of government employ a larger proportion of protective service and service/maintenance workers. Each of these job categories has traditionally been closed to women.

Revenue sharing funds are being used by State and local governments which discriminate against women and minorities. Of the some 266 discrimination complaints on file with ORS, about one-half pertain to employment practices. About one-half of these allege sex discrimination. The Department of Justice has filed over 23 law suits since 1972 against State and local governments for discriminatory employment practices. In FY 1974, EEOC reported about 5,000 actionable charges against State and local governments.

Of 18 suits filed by the Justice Department pertaining to employment discrimination and revenue sharing, 14 of them involved the employment practices of public safety agencies.

ORS has relied primarily on its complaint system as well as the results of some on-site visits that were conducted in 1973, for determining which recipients were not complying with the nondiscrimination provisions. With only four full-time professional staff engaged in civil rights review and a backlog of 200 complaints, ORS is hardly in a position to monitor most of its recipients in a comprehensive fashion.

ORS has rejected the use of "pre-award" and "post-award" compliance reviews similar to those undertaken for title VI of the Civil Rights Act of 1964 and Executive Order 11246. ORS has done so because of its view that:

> "Pre-award and post-award compliance reviews are terms clearly belonging to Title VI grant agencies. . .the logic of the concepts has no application to General Revenue Sharing and is, in our judgement, a concept that attaches to the Title VI categorical grant programs."[6]

ORS must also make sure that recipient governments are aware of their obligations under the law. ORS entered into an agreement with EEOC in May 1975 to develop a "Guidebook on Equal Employment for Public Employers." The guidebook will pertain to fair employment practices as well as nondiscrimination in the provision of services and benefits, to be completed in 1976.

ORS has made a significant effort to give recipient governments notice of practices which violate the nondiscrimination provisions by distribution of the revised nondiscrimination regulatons issued late in October 1975. However, an ongoing program of compliance reviews backed up by the application of sanctions for noncompliance will be necessary to give meaning to the regulations. Regulation section 51.53(d) states that compliance reviews will be scheduled by ORS with priority given to those recipients which show a significant disparity between the percentage of women or minorities in the work force and the percentage employed in recipients' programs.

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[5] Minorities and Women in State and Local Government 1973, EEOC, vol. I.

[6] Letter from Edward C. Schmults, General Counsel, Department of Treasury, to Rep. Don E. Edwards, Chairman, Subcommittee on Civil Rights and Constitutional Rights of the House Committee on the Judiciary, Oct. 24, 1973.

Sex Discrimination Regulations

The new regulations adopt specific provisions for sex discrimination. The regulations set forth the recruitment and advertising procedures to be used by recipients. The regulations state generally that differentials in wages and other conditions of employment cannot be based on sex. However, they do permit employers to provide either unequal benefits or unequal contributions in insurance, pension, retirement, welfare, or other fringe benefit programs, if the inequality is directly related to actuarial differences. ORS should have followed the position of the EEOC which permits equal benefits only.

Pregnancy must be treated as any other temporary disability. Recipient governments may not treat pregnant employees or applicants differently with respect to any employment practice or policy unless the recipient can demonstrate that the pregnancy of the individual concerned prevents her adequate job performance.

Agreements

In January 1975, ORS entered an agreement with EEOC. Under the agreement, EEOC will conduct an expansive statistical analysis of the data collected through its EEO–4 forms to determine those recipients who are likely to be greatly out of compliance.

Pursuant to another agreement between EEOC and ORS signed on October 11, 1974, the two agencies have established a joint arrangement for resolving complaints of discrimination against State and local governments and their contractors.

On request, EEOC will furnish ORS with information contained in the EEO–4 forms and copies of charges filed with EEOC. Letters of Determination and Decision pertaining to recipients will also be provided. ORS in turn will supply EEOC with noncompliance information.

In cases where EEOC has found reasonable cause to believe discrimination exists in a revenue sharing-funded activity, ORS may proceed according to its own regulations to secure compliance.

ORS has entered into similar agreements with HEW and the Department of Justice, and is trying to negotiate one with the Office of Federal Contract Compliance Programs (OFCCP). Both of these agreements, like the agreement with the EEOC, do not require ORS to accept the findings of the other agency nor take any compliance action. ORS appears to be reluctant to rely on the determinations of other agencies. With the exception of one case, concerning a school system, ORS has not conducted any compliance activities with respect to recipients referred under these agreements.

ORS has entered into similar agreements with State and local fair employment practice agencies. ORS would be in error to rely on these agencies for civil rights enforcement. They are creatures of the entities ORS is charged with monitoring, and past experience with section 706 agencies for the EEOC has not been successful with respect to public employment discrimination.

ORS' accumulating backlog of cases again raises questions about the size of the civil rights enforcement staff. As discussed above, the audit system relied on by ORS is of limited potential for achieving compliance.

ORS has not developed a reputation for aggressively enforcing valid discrimination complaints. ORS initially relies on telephone inquiries and letters (referred to as 15-day letters) requesting data to determine the validity of a complaint. It notifies the chief executive officer of the recipient when a complaint is received. If ORS believes violations have occurred and initial negotiation with the recipient has failed, ORS will conduct more telephone inquiries or on-site investigations. If investigation shows that violations have occurred, or a compliance review yields the same determination, the Governor of the State and the chief executive officer of the recipient are notified. The new regulations provide that if within 60 days the Governor fails or refuses to secure compliance, the Secretary of the Treasury may:

- Refer the matter to the U.S. Attorney

General with a recommendation that civil action be instituted;

- Initiate an administrative hearing pursuant to the powers provided by title VI of the Civil Rights Act of 1964; or
- Take any other action provided by law.

In the past ORS has relied on excessively long negotiations with recipients. In a case filed against the Chicago Police Department alleging racial discrimination ORS refused to defer payment even though its own investigation resulted in a finding of discrimination. ORS did not defer payment until so ordered by the U.S. district court for the District of Columbia.[7]

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[7] *Robinson* v. *Shultz*, Civ. Docket No. 74-248 (D.C.C.), Dec. 1974.

Equal Rights Amendment Committee[8]

Report of Equal Rights Amendment Committee[9]

The ERA Committee herewith presents the report of its activities looking toward the realization of the IWY Commission's number one priority—developing a factual and educational program focusing on the Equal Rights Amendment. The ERA Committee action is the culmination of the following process:

Executive Order of the President

The Executive order from the President of the United States was issued January 9, 1975, "establishing a National Commission on the Observance of International Women's Year, 1975." This action was taken as a result of Presidential Proclamation No. 4262 of January 30, 1974, which called upon

> ". . .the Congress and the people of the United States, interested groups and organizations, officials of the Federal Government and of State and local governments, educational institutions, and all others who can be of help, to provide for the national observance of International Women's Year with practical and constructive measures for the advancement of women in the United States."

The function of the IWY Commission was delineated to read: ". . .it will focus attention on the need to encourage appropriate and relevant cooperative activity in the field of women's rights and responsibilities." Specifically, it continues, "The Commission shall take as its action agenda the relevant part of the resolution adopted by the United Nations General Assembly proclaiming 1975 as International Women's Year." The first consideration was "to promote equality between men and women."

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[8] IWY Commission members: Congresswoman Margaret M. Heckler and Alan Alda, Co-Chairs; and Senator Birch Bayh, Patricia T. Carbine, Audrey Rowe Colom, Casey Eike, Paula Gibson, Honorable Martha Griffiths, and Clare Boothe Luce. Public members: Candice Bergen, photographer and actress; Carol Burnett, actress; Diahann Carroll, actress; Howard Cosell, sportscaster; Ossie Davis, actor; Ruby Dee, actress; Lee Elder, professional golfer; Kay Faucher, President of Massachusetts Federation of Women's Clubs; Valerie Harper, actress; Robert Ludlum, author; Mary Tyler Moore, actress; Tony Randall, actor; Marguerite Rawalt, attorney and member of the 1961 President's Commission on the Status of Women; Marlo Thomas, actress; Ruth Thone, executive board of the Women's Campaign Fund; Gary Trudeau, political cartoonist ("Doonesbury"); and Nancy Wilson, singer.

Staff members: Mariwyn Heath and Ellen Boddie.

[9] Accepted by IWY Commission Jan. 15, 1976.

In order to be truly representative of the concerns of the American public, the Executive order states: "The Commission shall encourage the public and private sectors to set forth objectives to be achieved as part of the program observing International Women's Year, as provided in the Presidential Proclamation." The IWY Commission was given the authority to ". . .establish within the limits of available funds, such subcommittees or working groups as may be necessary for the fulfillment of its tasks."

ERA Committee

In April 1975 the IWY Commission members were appointed and on April 14 and 15 the full IWY Commission met for the first time and chose ratification of the Equal Rights Amendment as its top priority issue. Currently ratified by 34 of the 38 States necessary for it to become the 27th amendment of the U.S. Constitution, the ERA must be acted upon in State legislatures by March 22, 1979. The following resolution was unanimously passed:

- The National Commission on the Observance of International Women's Year, as its first public action and highest priority, urges the ratification of the Equal Rights Amendment.
- We believe the prompt ratification of the amendment is essential to the realization of full equality for women and to the fulfillment of American democracy.
- We commend the work of the thousands of women and men, in and out of government, whose dedication has brought the amendment so close to ratification.
- As our main commitment to the observance of International Women's Year, we pledge to do all in our capacity to see that the Equal Rights Amendment is ratified at the earliest possible moment. We urge all Americans to join us in this effort.

To fulfill this commitment, an ERA Committee was established. Jill Ruckelshaus, Presiding Officer of the Commission, appointed Congresswoman Margaret Heckler and Alan Alda as the Co-Chairs. The Commission members appointed to the ERA Committee included Senator Birch Bayh, Patricia Carbine, Honorable Martha Griffiths, Audrey Colom, Casey Eike, Paula Gibson, and Clare Boothe Luce. Public members with expertise in varied areas were also asked to serve on the ERA Committee.

Official Ruling On ERA Committee's Activities

The ERA Committee's first endeavor was to outline the parameters of their charge under the guidelines established for a Presidential commission. A ruling was requested from the General Accounting Office. In the opinion of the Comptroller General of the United States:

> "The Executive order confers wide discretion upon the commission as to how it should, *inter alia,* actively promote equality between men and women. The Commission in the exercise of that discretion has resolved to favor ratification of the ERA. To effectuate the commission's resolution, the ERA Subcommittee intends to educate interested parties as to the impact of the amendment on sexual inequality in the United States and consult with experts on how to best communicate the facts about the ERA. In our view, the Subcommittee's planned activities are within the scope of the Executive order, both in letter and spirit."

The ERA Committee then began its task of developing a national program to communicate the facts concerning the ERA by creating a healthy atmosphere for discussion of the Equal Rights Amendment. The ERA Committee recognized the ERA as the necessary constitutional guarantee of legal equality for all Americans.

Request from Nongovernmental Organizations

Concurrent with the IWY Commission's interest in the ERA, many prominent organizations concerned with issues of significance to women were meeting to coordinate their efforts on behalf of ERA. These organizations included the National Federation of Business and Professional Women's Clubs, League of Women Voters, National Women's Political Caucus, National Woman's Party, American Association of University Women, Common Cause, National Organization for Women, and representatives from both church and labor coalitions.

The consensus from these organizations, representing a broad spectrum of the American public, was that a national ERA program was essential. The need for a single, independent umbrella organization became apparent: To unify the many existing ERA programs and to draw together the available resources of expertise and talent and coordinate them for maximum effectiveness.

Thousands of women throughout the United States were calling for a single, authoritative source to emphasize the vital importance of the ERA to their futures. The facts supporting the necessity for the ERA are substantial, but the proposed amendment continues to be misrepresented and misconstrued.

The tentative structure for an independent ERA organization was formulated. However, all the separate units involved recognized the need for professional advice and for an outside force to act as convener and catalyst for the proposed organization. Because of its commitment to ERA, its own representative make-up, and because it was within the scope of the Executive order, the IWY Commission was requested to act in the catalyst role.

Role of IWY Commission

The ERA Committee determined that it must seek professional advice on a national ERA program to insure the best methods to attain its goal. The importance of such a program was further stressed by the results of a public opinion survey commissioned by IWY. The survey indicated that a majority of the women interviewed favored efforts to change women's status in society; however, a significant number of women were not familiar with the Equal Rights Amendment. Clearly an educational effort was appropriate.

To respond to the request of nongovernmental organizations and to guide the future role of the ERA Committee, a Consultant's Day was sponsored by the IWY Commission. Participants in this session included consultants from across the country with diverse areas of expertise, representatives from major national organizations, and labor and church coalitions. From this forum came the evaluation that a comprehensive ERA program would best be accomplished through an independent, national organization with the ERA Committee acting as catalyst.

Under the auspices of the ERA Committee, national organizations continued to meet to determine a viable structure for the new organization, utilizing the information received from the consultants. An efficient organizational plan was thus developed. To implement the plan, the most outstanding people available had to be involved. At the strong urging of Congresswoman Margaret Heckler and Alan Alda, two nationally prominent women, Liz Carpenter and Elly Peterson, agreed to serve as Co-Chairs of the new organization—ERAmerica.

The ERA Committee has performed the significant function of a convener and catalyst for ERAmerica, the independent focus for the Equal Rights Amendment.

ERAmerica

ERAmerica will be a separate entity from the IWY Commission. The independent organization anticipates an official announcement within the next month[10] defining its goals and strategy. This interim period is designed to gather the necessary financial resources from the over 100 organizations, representing a broad spectrum of the American public, that have endorsed the Equal Rights Amendment.

Substantial commitments of staff and office space have already been secured from the organizations that requested IWY involvement.

Summary

According to ERA Committee Co-Chairs Heckler and Alda,

> "ERAmerica represents an extremely positive response for the Equal Rights Amendment, an issue vital to the future well-being of all Americans. The ERA Committee has fulfilled its mandate to the women of this Nation—to faithfully act in their interest to provide the best possible method to communicate the facts relevant to the Equal Rights Amendment. ERAmerica epitomizes our common goal. This organization holds the promise of future legal equality for all."

Text of Equal Rights Amendment

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect 2 years after the date of ratification.

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[10] Opening press conference, Feb. 25, 1976.

Government Organization Structure Committee[11]

Permanent Structure To Advance Women's Needs and Interests Before the Federal Government[12]

The IWY Commission recommends that the President request Congress to enact legislation to create a Cabinet-level office in the executive branch of the Federal Government responsible for the functions of the:

- **Women's Bureau of the Department of Labor;**
- **Citizens' Advisory Council on the Status of Women;**
- **National Commission on the Observance of International Women's Year;**
- **Women's Action Program of the Department of Health, Education, and Welfare; and**
- **Women's Rights Program Unit of the Commission on Civil Rights.**

To carry out these responsibilities, the Cabinet officer should be assisted by adequate staff and general counsel and should have the power to:

- **Hold hearings, issue subpoenas, obtain and disseminate information on women;**
- **Intervene in proceedings before Federal departments and agencies to articulate the needs and interests of women;**
- **Appear as *amicus* in court actions involving the interests of women;**
- **Seek judicial review of decisions by Federal officials affecting women;**
- **Request a Federal department or agency to initiate a proceeding or take action in the interest of women;**
- **Assist the Office of Management and Budget in evaluating the impact of Federal**

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[11] IWY Commission members: Representative Bella Abzug, Chair; Senator Birch Bayh, Honorable Martha Griffiths, Congresswoman Margaret Heckler, and Senator Charles Percy. Staff member: Shelah Leader.

[12] Recommendation approved by IWY Commission, Feb. 26, 1976.

programs on women by requiring annual reports from relevant Federal departments and agencies;

- **Monitor and evaluate Federal programs and policies affecting women and make recommendations to the Congress and the President for remedial policies on women;**
- **Offer assistance to State and local bodies concerned with the status of women;**
- **Recommend legislation to secure equal opportunities for women;**
- **Examine laws for differential treatment based on sex and recommend changes in such laws;**
- **Evaluate and monitor Federal programs to insure equal employment opportunity for women employees of the Federal departments and agencies;**
- **Make recommendations to Federal departments and agencies concerning the needs and interests of women;**
- **Stimulate public discussion of women's problems;**
- **Recommend persons sensitive to the needs of women for executive and judicial appointments and as participants in international organizations; and**
- **Monitor and evaluate Federal enforcement efforts and recommend remedial policies.**

To insure a continuous liaison with private groups and individuals who are concerned with the status of women, the Cabinet officer should consult regularly with an Advisory Board and with a Task Force on Minority Women composed of individuals from the private sector who are concerned with the status of women.

Background

A strong, innovative mechanism is needed to finally eradicate barriers to the full participation of women in American life. Without such a powerful mechanism, there is no assurance that the recommendations of the IWY Commission and the priorities set by the National Women's Conference will actually be implemented. To assure that these goals for women are finally achieved once and for all, the appropriate national machinery (with Cabinet status) must be created. A permanent mechanism is needed to investigate the situation of women in all fields; to make recommendations for needed legislation, policies, and programs; to monitor and evaluate policies and activities pertaining to women; and to coordinate the activities of women at the regional, national, and international level. To insure the effectiveness of this national machinery, it must be provided with adequate staff and funds to carry out its task of advancing the cause of women.

At present, women do not have a single organizational focal point through which they can coordinate their efforts to improve their lot. The multiplicity of women's groups are often frustrated in achieving their goals by lack of resources and information; lack of access to decisionmakers; and lack of an effective voice in the creation and implementation of policies and laws affecting their lives. There is now no single source for accurate and timely information on women's problems, activities, and achievements. Greatly needed is a single reliable source of expert advice on women's affairs. Most importantly, there is no single agency to hold accountable officials responsible for enforcing laws prohibiting sex discrimination.

Rather than continue to rely on a variety of *ad hoc* bodies and programs scattered throughout the Federal bureaucracy, a single permanent and highly visible advocate for women, endowed with adequate resources, must be created to advance the cause of women. A unified entity could bring about more comprehensive, representative, and uniform policies on women. It would be a more effective instrument for insuring that the laws barring sex discrimination are vigorously enforced.

Manifestations of sex discrimination are varied—yet they are all derived from a stereotyped view of women as passive, dependent, and inferior. If women are to achieve full equality, then a systematic and coordinated effort must be made to seek out and eradicate sex discrimination, whatever its guise.

Therefore, it is desirable that Congress enact a law creating a permanent Cabinet-level position to be the voice for women in the Federal Government.

Clarification

The transcript of the February 1976 Commission meeting contains a record of the discussion which preceded the vote on this recommendation. The record contains the following clarifications of the recommendation adopted by the Commission after a lengthy debate and a close vote.

1. The Cabinet-level office could be that of Presidential Counsellor with Cabinet status or a Cabinet Secretary. The Presidential Counsellor or Cabinet Secretary would have the powers and duties and staff outlined in the recommendation. Appointment of this Counsellor or Secretary would be statutorially provided.

2. Actual responsibility for enforcing laws prohibiting sex discrimination would not be assigned to the Cabinet-level officer.

Homemaker Committee[13]

Estate, Inheritance, and Gift Tax Laws[14]

The IWY Commission recommends that the provisions of the Internal Revenue Code relating to estate and gift taxes be amended to eliminate taxation on all transfers of property between husband and wife at death, and on all gifts between husband and wife during their lifetimes. The Commission further recommends that State legislatures amend their tax laws to eliminate laws that provide for inheritance or gift taxes in transfers between husband and wife.

Background

Federal estate and gift tax laws and State inheritance tax laws generally assume that the homemaker makes no economic contribution to the family.

For example, for Federal estate and gift tax purposes in a noncommunity property State, if a couple purchases a farm in joint name, the husband is treated as the owner of the entire property unless the wife can prove she has contributed money toward its purchase or improvement. If the wife dies first, the property passes to the husband free of estate taxes. If the husband is the first to die, the farm passes to the wife free of estate taxes only to the extent that its value does not exceed the marital deduction (equal to one-half of the estate) plus the $60,000 exemption.

Another inequality in existing tax law is that if the husband dies first, estate tax is paid on the property not only upon transfer to the wife, but also a second time when the wife dies and wills the property to children. Estate tax laws have become an important issue in agricultural States, as widows frequently are forced to sell a portion of the farm in order to pay estate taxes.

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[13] IWY Commission members: Martha Griffiths, Chair. Other Commission members: Rita Z. Johnston, Dorothy Vale Kissinger, Paula Gibson, and Ellen Groves Kirby. Public members: Dr. Jean Douglas Bandler, civic leader; Betty Berry, editor of *Marriage, Divorce and the Family Newsletter;* Ethel Washington, President of American Home Economics Association Foundation and Supervisor of Home Economics Education of Detroit Board of Education; Dr. Jessie Bernard, sociologist and author; and Marguerite Rawalt, attorney and women's rights leader.

Staff members: Catherine East and Idelle Howitt.

Contractor: Center for Women Policy Studies.

[14] Recommendation approved by Homemaker Committee, Nov. 24, 1975; by IWY Commission, Dec. 5, 1975. Secretary of the Treasury recommended such action to the Ways and Means Committee of the House of Representatives, Mar. 22, 1976.

In a community property State, each spouse is generally treated as owner of a one-half interest in the property acquired during the marriage. And the estate tax consequences are basically the same for the husband and the wife, regardless of who is the first to die.

The Committee is committed to the proposition that what a homemaker contributes has economic value, and that estate and gift tax laws should reflect this proposition. To eliminate the inequality in noncommunity property States, either marital property could be assumed to be owned half and half for purposes of estate and gift taxes, or taxes on transfers of property between husband and wife could be eliminated entirely.

One basic purpose of estate and inheritance taxes is to prevent transfers of undue wealth between generations,[15] and this purpose obviously is not served by taxing transfers between husband and wife. Gift taxes, which are designed to prevent, as far as possible, evasion of the estate tax[16] should therefore be consistent with estate and inheritance tax laws.

Coverage of Homemakers Under Social Security[17]

The IWY Commission recommends that the homemaker be covered in her own right under Social Security to provide income security for the risks of old age, disability, and death. The Commission further recommends that the Secretary of Health, Education, and Welfare be directed to give a high priority to developing an administration proposal for achieving this purpose.

Need for Coverage

The basic plan of the Social Security Act reflected the prevailing belief that the wife was an appendage of the husband—not a fully equal partner. If she had been considered equal, the system would have given her at a minimum a separate account with half the accruing right to benefits credited to her. The whole system has been built on a concept of the family structure that never was equitable for much of the population.

The change to a system that views the homemaker as a full partner will be very complex and difficult, but it is necessary, not only for the tangible inequities it will correct but also for the psychological benefit to the whole society. Following are the tangible inequities under present law that coverage of the homemaker would resolve or alleviate:

1. Homemaking wives who become disabled are not now entitled to benefits though their services to their families must be replaced. Likewise the family of a homemaker wife who dies receives no benefit.
2. Wives who are employed outside the home, except while their children are young, may have so small a benefit of their own that their benefit based on their husbands' service is greater. This can occur because absence from the labor force of more than 5 years is heavily penalized in the formula for computing Social Security benefits. Low earnings of women also contribute.
3. Wives divorced after fewer than 20 years of marriage may, even if they return to the labor force, be entitled to only a very small benefit because of the penalty for years out of the labor force. They get no credit for the years they were homemakers and no benefits based on their former husbands' employment.
4. Even a divorced wife who has been married 20 years may not be eligible for a benefit until she is very old, as she cannot draw a benefit until her former husband retires or dies.

Coverage of homemakers would provide added dignity and status. A wife would be recognized as an equal partner in the marriage rather than a dependent or junior partner. As the 1972 Report of the Women's Action Program (Department of Health, Education, and Welfare) stated,

> "A major theme of the women's movement is a plea for recognition of the achievements and needs of individuals. When women's roles and economic well-being are assumed to be tied to men's, they are not fully recognized as individuals."

The Secretary of the Department of Health, Education and Welfare, (HEW) asked the Social

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[15] S. Rep. 558, 73d Cong., 2d Sess. 1, 7 (1934).

[16] H.R. Rep. 1681, 74th Cong., 1st Sess. 2 (1935).

[17] Recommendation approved by Homemaker Committee Dec. 4, 1975; by IWY Commission Dec. 5, 1975.

Security Administration in 1972 for a study on coverage of homemakers. To date, such a study either has not been made or if made has been withheld from publication.

Proposal for Coverage

A number of policy issues and technical problems need to be resolved to develop a legislative proposal for covering homemakers under Social Security. For example, how should the coverage be financed?[18] On what level of assumed earnings should the coverage be based?[19] How should "homemaker" be defined?

Under the Jordan-Burke bill, H.R. 3009, 95th Congress, homemakers are treated as self-employed workers, who pay a tax of 8 percent. The tax may be based upon one of three options: (1) the maximum amount payable by self-employed workers ($14,000 with a yearly tax of $1,128); (2) the median amount of wages earned by all individuals who worked four quarters of the most recent year for which satisfactory data are available ($7,000 with a yearly tax of $560); or (3) the median amount of wages earned by all women who worked four quarters of the most recent year for which satisfactory data are available ($4,800 with a yearly tax of $384).

The companion bill, H.R. 3010, provides a tax credit for workers with total incomes of less than $8,000 per year. The tax credit would be 10 percent of income for those paying Social Security tax on incomes of $4,000 or less. The percentage of the credit would decrease at incomes above $4,000 and disappear at $8,000. The combined impact of the bills would be to give low income, one-worker families coverage for both members at less tax than the one member pays under existing law.[20]

Representative Bella Abzug (New York) introduced H.R. 252 in the 93d Congress and H.R. 11840 in the 94th Congress. The bills would have covered homemakers at a rate to be set by the Secretary of HEW under a formula which would take into account wages being paid to persons performing services for pay customarily performed by homemakers. The cost would be funded out of general revenues, recognizing that "a homemaker has neither salary nor employer but that her work benefits our entire society."

Another proposal for covering homemakers under Social Security would allow couples to have the option of dividing their earnings between the spouses and crediting each with quarters of coverage annually. Each partner would be allowed to credit 75 percent of the wages of the worker(s).

The committee does not have the time or the detailed knowledge of the Social Security Act necessary to propose a sound system for including the homemaker under the act. Therefore, the recommendation asks the President to require HEW to produce a feasible proposal.

Inheritance Rights of Spouses[21]

The IWY Commission recommends that State inheritance laws on disposition of property when a person dies without a will (intestate) be amended to provide that the surviving spouse's share is:

1. The entire estate if there is no surviving child or parent of the person who dies;

2. The entire estate if there are surviving children, all of whom are children of the surviving spouse;

3. One-half of the estate if there are surviving children, one or more of whom are not children of the surviving spouse.

The Commission recommends further that State bar associations, especially women members, and the National Conference of Commissioners on Uniform State Laws, in order to provide greater considerations of equity review and redraft (a) the provisions when there are no surviving children but there are surviving parents; and (b) the provisions for a "forced share," or "widows election."

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[18] The cost would not be as high as that covering a new worker, because homemakers now have partial coverage as dependents.

[19] The problems of covering homemakers are not new. Military service has been counted without contribution; and nonpaid members of religious orders were covered in the 1972 amendments, with the contribution paid by the order.

[20] This proposal (H.R. 3010) was included in the temporary Tax Reduction Act of 1974. Whether it will be included in the tax reduction act currently under consideration is uncertain.

[21] Recommendations approved by Homemaker Committee Feb. 23, 1976; by IWY Commission Feb. 27, 1976.

Sources of Information

At its December 1 meeting, the Homemaker Committee considered two types of laws by which many States fail to recognize properly the contribution of the homemaker. They are laws that (1) provide for the disposition of property of persons who die intestate (without a will), and (2) laws that provide a minimum share of the estate to which a widow is entitled when there is a will ("forced share" or "widow's election"), often leaving the widow with little or nothing.

The committee considered the relevant provisions of the Uniform Probate Code, a model law proposed by the National Conference of Commissioners on Uniform State Laws[22] and endorsed by the American Bar Association. The Committee also heard testimony on marital property law from Anne K. Bingaman, Associate Professor of Law at the University of New Mexico Law School and Ford Foundation Fellow for 1975.

Intestacy Provisions of the Uniform Probate Code Relating to Surviving Spouses. The Uniform Probate Code, which is the source frequently turned to by State legislatures considering amendment of their probate laws, recommends to the *common law States*[23] that if the decedent dies without a will, property should be disposed of as follows (Section 2–102):

The intestate share of the surviving spouse is:

> (1) if there is no surviving issue (child) or parent of the decedent, the entire intestate estate;
> (2) if there is no surviving issue but the decedent is survived by a parent or parents, the first ($50,000), plus one-half of the balance of the intestate estate;
> (3) if there are surviving issue, all of whom are issue of the surviving spouse also, the first ($50,000), plus one-half of the balance of the intestate estate;
> (4) if there are surviving issue, one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.

Provisions recommended for adoption by *community property* States are (section 2–102A):

The intestate share of the surviving spouse is as follows:

> (1) as to separate property:
>
> (i) if there is no surviving issue or parent of the decedent, the entire intestate estate;
> (ii) if there is no surviving issue but the decedent is survived by a parent or parents, the first ($50,000), plus one-half of the balance of the intestate estate;
> (iii) if there are surviving issue all of whom are issue of the surviving spouse also, the first ($50,000), plus one-half of the balance of the intestate estate;
> (iv) if there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.
>
> (2) as to community property:
>
> (i) one-half of community property which belongs to the decedent passes to the (surviving spouse).

"Forced Share" Provision of Uniform Probate Code Where the Decedent Has Left a Will. Section 2–201 of the Uniform Probate Code, relating to the minimum share of the estate to which a surviving spouse is entitled when the decedent has left a will, gives the surviving spouse one-third of the "augmented" estate. It reads as follows:

> Section 2–201. (Right to Elective Share).
> (a) If a married person domiciled in this State dies, the surviving spouse has a right of election to take an elective share of one-third of the augmented estate under the limitations and conditions hereinafter stated.

Committee Conclusions

Although the provisions of the Uniform Probate Code would be an improvement over the existing law in many States,[24] it is apparent that the Code was drafted from a strictly male point of view.

The Committee does not agree with the intestacy provisions for a surviving spouse (a) when there are children of the marriage; (b) when there are no children but there are surviving parents; and (c) the provisions for a "forced share."

When the decedent's only surviving children are those of the marriage to the surviving spouse, the committee believes the surviving spouse should receive the entire estate. If the children are minors or unable to earn a living, the surviving spouse will be responsible for their support. When they are able-bodied and grown, they are no longer dependent, and the surviving spouse is likely to be at least approaching old age.

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[22] The National Conference is an influential body of lawyers with representatives from each State. It has been drafting model laws for over half a century, and its proposals are held in high regard by State legislatures and in legal circles.

[23] All States except the community property States, which are: Ariz., Calif., Idaho, La., Nev., New Mex., Tex., and Wash.

[24] For example, the laws of Ga., N. Dak., and S. Dak. provide no forced share. Therefore, a husband can completely disinherit his wife (or vice versa) in these States. In several States, e.g., Del., the District of Columbia, and S.C., a wife can be left with only the *income* from one-third of the *real estate*.

The provision on disposition of an estate when there are surviving parents but no children is arbitrary and may result in great inequity. In this case the Uniform Probate Act gives the surviving spouse the first $50,000 plus one-half of the balance, with the remainder going to the parent or parents. Suppose the parent or parents of a decedent husband have been dependent completely on the couple for a number of years and the marriage is of long duration; shouldn't the wife receive everything? On the other hand, if the decedent husband is young and the marriage has been of short duration and the parents have been partially supporting the couple, shouldn't the parents receive all the estate?

The "forced share" provision of one-third may be equitable in some circumstances but not in many. Suppose a farm wife has worked along with her husband for 30 years to make the farm a success, and he becomes senile and tries to leave her out of his will. Shouldn't she be entitled to the whole estate? Any wife who has had a long marriage and has contributed to her husband's success is certainly entitled to at least the amount she would have received if he had died intestate. On the other hand, if a young woman has been married to a wealthy man only a few years and has squandered his wealth during that period, contributing nothing to his welfare or to acquisition of the money, should she receive as much as one-third? Here again the committee believes that the law should be redrafted to recognize a variety of circumstances.

Economic Provisions of Divorce Laws[25]

The IWY Commission urgently recommends that:

1. State, county, and city commissions on the status of women and other organizations concerned with the welfare of children and dependent spouses actively seek amendments in State divorce laws where necessary to assure that as a minimum the economic protections of the Uniform Marriage and Divorce Act[26] for dependent spouses and children be included.

2. State legislatures review and revise their divorce laws, adopting as a minimum the economic protections of the Uniform Marriage and Divorce Act.

3. In addition to the protections of the Uniform Marriage and Divorce Act, the following additional items be seriously reviewed and considered: (a) an effective proviso requiring disclosure of assets, such as that in the New York State law (section 250 of the Domestic Relations Law effective September 1, 1975); (b) authorization of child support until age 26 for children who are attending school; (c) the property division provisions included in the 1970 version of the Uniform Marriage and Divorce Act; (d) specific mention of loss of pension rights as a factor to be considered in distribution of property; and (e) inclusion of a statement of intent, such as that in Assembly Bill 995 introduced in the Wisconsin Assembly in 1975.

Introduction

These recommendations are based on testimony on the Uniform Marriage and Divorce Act from Dr. Herma Hill Kay, Professor of Law at the University of California at Berkeley and coreporter on the Uniform Marriage and Divorce Act; testimony on the New York divorce reform bill[27] from Dean Judith Younger, Deputy Dean and Professor of Law at the Cornell Law School; and testimony on a Wisconsin reform bill,[28] from Representative Mary Lou Munts, member of the Wisconsin Assembly.

The Homemaker Committee also had before it position papers of the Citizen's Advisory Council on the Status of Women on the "Recognition of the Economic Contribution of Homemakers and Protection of Children in Divorce Law and Practice" and "The Equal Rights Amendment and Alimony and Child Support Laws."[29]

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[25] Recommendations approved by Homemaker Committee Jan. 12, 1976; by IWY Commission Jan. 16, 1976.

[26] National Conference of Commissioners on Uniform State Laws, Uniform Marriage and Divorce Act (1970 version and 1973 version). Order from the National Conference of Commissioners on Uniform State Laws, 1155 East 60th St., Chicago, Ill. 60637.

[27] Revised draft not yet introduced of Assembly Bill 7840 (Blumenthal) introduced March 25, 1975.

[28] Assembly substitute amendment to 1975 Assembly Bill 995 (Munts).

Growth of No-Fault Divorce

Before 1933 all States permitted divorce only for serious fault on the part of one spouse. The trend toward easier divorce began in 1933 when incompatibility became a ground for divorce in New Mexico. Divorce after a separation period, another form of no-fault divorce introduced shortly thereafter, was permitted in 21 States by 1961. The trend toward no-fault divorce has been greatly accelerated by the 1970 publication of the Uniform Marriage and Divorce Act by the National Conference of Commissioners on Uniform State Laws. The Act provides only one ground for divorce—"irretrievable breakdown" of the marriage. The Uniform Act was endorsed by the American Bar Association, with some amendments.

The growth of no-fault divorce, without concurrent changes in provisions for division of property, alimony, and child support, has eroded the economic protection of dependent spouses and children, which has always been minimal.

Contrary to common belief, alimony has been granted only in a very small percentage of cases, and fathers generally are contributing less than half the support of children in divided families. Furthermore, alimony and child support awards are very difficult to collect.[30]

A poll of 1,522 women conducted by the IWY Commission indicated that only 14 percent of divorced wives are awarded alimony and only 46 percent of those collect it regularly. Only 44 percent of divorced mothers are awarded child support; and of these only 47 percent are collecting regularly.[31]

The common belief in large and widespread alimony and child support payments has apparently taken root because of publicity about a small percentage of cases arising under the so-called fault system. Under that system a husband is sometimes willing to make a more generous settlement than a court would allow because he wants to avoid the publicity of a contested case, or because he needs the cooperation of the dependent spouse in procuring the divorce. Under the fault system a dependent spouse has some leverage in securing better economic arrangements than the very inadequate arrangements usually made by the courts. This leverage is lost or seriously eroded by any legislation providing for no-fault divorce at the option of one party.

The Uniform Marriage and Divorce Act provides greater economic protection for dependent spouses and children than exists in most States. Sections of the law relating to division of property, maintenance, child support, child custody, and enforcement (hereafter referred to as the economic provisions) strengthen the rights of homemakers and children.

Most States adopting the "irretrievable breakdown" grounds of the act have not, however, adopted the economic provisions.

None of the States having separation or incompatibility as no-fault grounds has adopted the economic provisions. Currently four States have only fault grounds.[32] Of the 46 States having some form of no-fault divorce, only nine recognize the "contribution of the homemaker" as a factor to be considered in economic arrangements at divorce.[32] The Uniform Marriage and Divorce Act, as indicated below, includes this as a factor to be considered by the court in dividing property.

One of the primary objectives of the Homemaker Committee has been to alert the public to the realities of the economics of divorce. The committee's papers for each State on the legal status of homemakers, which are being published separately, and the State conferences directed by Public Law 94–167 will be useful in this respect.[31]

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[29] Available from Council at Department of Labor Building, Room S3306, Wash., D.C. 20210.

[30] In addition to Council papers, see Chap. 4 of *Five Thousand American Families—Patterns of Economic Progress*, vol. III, published in 1975 by the Survey Research Center, Institute for Social Research, University of Michigan, Ann Arbor, Mich. 48106.

[31] Poll of 1,522 women conducted by Market Opinion Research for the IWY Commission. Report to be published separately. In 1922, the last year for which the U.S. Government collected data, alimony was awarded in 14.7 percent of divorces. In 1916 it was 15.3 percent and was no higher in earlier years, according to *Marriage and Divorce*, 1922, published by Bureau of Census, Department of Commerce.

[32] *Marriage, Divorce and the Family Newsletter*, Mar. 1, 1976, P.O. Box 42, Madison Square Station, N.Y., N.Y. 10010. $7.70 per year.

Major Economic Provisions of the Uniform Marriage and Divorce Act. Section 307 of the Uniform Marriage and Divorce Act provides for division of property. In 11 States judges do not have authority to divide property titled in only one spouse's name.[32]

There are two alternative sections of the act, one for common law States and one for community property States. Both alternatives provide as one factor to be considered in dividing the property "the contribution of the spouse as homemaker"—a new concept in divorce law and an important advance for women. The alternative for the community property States includes, in addition, "the desirability of awarding the family home or the right to live therein for a reasonable period of time to the spouse having custody of any children." The alternative for the common law States does not include this section, an omission that may be of great importance to many families in which the only property owned is the home.

The Homemaker Committee prefers the 1970 version of this section which did not have alternatives. It authorized the courts to divide marital property "in just proportions" considering a number of relevant factors, including both the "contribution of the spouse as homemaker" and the "desirability of awarding the family home or the right to live therein for a reasonable period of time to the spouse having custody of any children."

Section 308 provides for "maintenance" for either spouse if the spouse lacks sufficient property to provide for his or her "reasonable needs" and is unable to support himself or herself through "appropriate" employment, or is the custodian of a child whose condition makes it inappropriate for the custodian to seek employment outside the home. Six factors to be considered by the court in determining the amount and duration of maintenance include the standard of living established during the marriage; the duration of the marriage; and the age, physical, and emotional condition of the spouse seeking maintenance.

Section 309 authorizes the court to order child support from either or both parents and lists five relevant factors to be considered, including the standard of living the child would have enjoyed had the marriage not been dissolved.

Section 311 establishes procedure for payment of support or maintenance orders through a court officer and for enforcement by the appropriate prosecuting attorney. Also, the person to whom support or maintenance is due may initiate action to collect arrearages.

Section 312 authorizes the court to order the person obligated to pay support or maintenance to assign part of his or her earnings or trust income to the person entitled to receive the payments. Such an assignment may be ordered at the time the award is made before there is any default. The payor (employer) is authorized to deduct from each payment $1 as a reimbursement for costs and is forbidden to discharge or discipline an employee as a result of an assignment.

This is an important provision, particularly for impecunious dependent spouses who have difficulty in engaging a lawyer to collect arrearages and difficulty in getting the attention of court officers for arrearages which may appear small to the court but are important to the dependent spouse and children. Furthermore, this provision could reduce court work and would not be harmful to the reputation of the obligor as are the attempts to collect arrearages.

Section 316 provides that a decree ordering maintenance or support can be modified "only as to installments accruing subsequent to the motion for modification and only upon a showing of changed circumstances so substantial and continuing as to make the terms unconscionable." Maintenance provisions may not be modified if the original decree so stated. Child support may extend beyond the age of majority, and alimony may extend beyond remarriage and death of either party if the decree so provides or the spouses have so agreed in writing.

Disclosure of Assets. The Uniform Marriage and Divorce Act does not have a section on disclosure of assets, and a number of States that authorize courts to divide property have very inadequate provisions for disclosure of assets by both parties. The New York Legislature in 1975 enacted very strict legislation with penalties for failure to disclose (section 250 of the Domestic Relations Law). The committee believes that such a proviso should be included in all State laws.

Statement of Intent. Assembly Bill 995, introduced in the Wisconsin Legislature in 1975, grew out of six regional homemakers conferences in Wisconsin and included a statement of intent. The Homemaker Committee believes this or a similar statement should be included in all State laws. It reads as follows:

> "It is the intent of the legislature that a spouse who has been handicapped socially or economically by his or her contributions to a marriage shall be compensated for such contributions at the termination of the marriage, insofar as this is possible, and may be reeducated where necessary to permit the spouse to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage. It is further the intent of the legislature that the standard of living of any minor children of the parties be maintained at a reasonable level, so that insofar as is possible, the children will not suffer economic hardship."

Child Support Until Age 26. In some States in which age 18 has been adopted as the age of majority, it has been held that child support does not continue beyond age 18. Thus a mother having custody of children is left with complete responsibility for post-high school education. The New York reform bill, which is backed by a number of women's organizations, proposes that age 26 be the cutoff for child support for young people who are in school.

Pension Rights. With the growth of public and private pension plans a considerable portion of a family's assets may have been contributed to the plan. Even when the employer pays the entire amount, families take into account the entitlement to a pension in determining how much of their assets should be set aside for investment. Upon divorce the wife loses all rights to share in the pension. The Homemaker Committee believes that this asset should be one of those taken into account in making an equitable division of property. The New York reform bill includes such a provision. If the committee had had time to do the necessary research for submitting a plan, it would have recommended amending Federal pension laws to give the divorced wife a right to a proportion of the pension based upon years of marriage.

Summary

In summary, the Uniform Marriage and Divorce Act gives greater recognition to the economic contribution of the homemaker and greater protection to children than do present laws in most States. Furthermore, the sponsorship of the National Conference of Commissioners on Uniform State Laws and the American Bar Association facilitates efforts of women's organizations seeking reform in State legislatures. Nevertheless, there are improvements in the Wisconsin and New York bills that should be considered and enacted if possible. Hence the committee endorses the Uniform Marriage and Divorce Act and at the same time suggests serious consideration of additional provisions.

Displaced Homemakers Bill[33]

The IWY Commission recommends that the Administration endorse H.R. 10272, known as the "Equal Opportunity for Displaced Homemakers Act," which provides for establishing multi-purpose service programs for displaced homemakers to help them through a readjustment period in order to become self-sufficient members of society.

Background

The Homemaker Committee heard testimony on H.R. 10272 from Laurie Shields of Oakland, California, Coordinator for the Alliance for Displaced Homemakers and Coordinator for the Displaced Homemakers Committee of the National Organization of Women (NOW) Task Force on Older Women; and from Renee Montgelas, Legislative Assistant to Representative Yvonne Burke of California.

Homemaking is still the occupational preference for most women. Fifty-seven percent of married women are still employed full time as homemakers.[34]

Homemakers comprise an unrecognized and unpaid part of the national work force. They make an invaluable contribution to the welfare and economic stability of our Nation but receive no health, retirement, or unemployment benefits as a result of their labor.

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[33] Recommendation approved by Homemaker Committee Jan. 13, 1976; by IWY Commission Jan. 16, 1976.

[34] U.S. Department of Labor, *Manpower Report of the President*, April 1975, Wash., D.C.: U.S. Government Printing Office, p. 254.

Homemakers are an unrecognized and unpaid part of the national work force who make an invaluable contribution to the welfare and economic stability of our Nation but who receive no health, retirement, or unemployment benefits as a result of their labor.

More and more homemakers are displaced in their middle years from their family role and are left without any source of financial security after divorce, the death of their spouses, or after other loss of family income.

Although there are no data on how many widows and divorced women have been full-time homemakers, the total number of such women indicates the size of the problem. In 1973 there were 9,851,000 widows and 3,275,000 divorced women, a 41 percent increase in widows since 1950 and a 166 percent increase in divorced women since 1950.[35] Furthermore, no fewer than one-fourth of the divorces take place after 15 years of marriage.[36]

Displaced homemakers find it very difficult to get employment because of their sex, lack of vocational skills, age, and lack of any recent paid work experience. Many displaced homemakers are without any source of income because:

1. They are ineligible for Social Security benefits, because they are too young or because they are divorced from family wage earners after being married fewer than 20 years;
2. They are ineligible for Federal welfare assistance if they are not physically disabled and their children are past 18 years of age;
3. They are ineligible for unemployment insurance or health plan benefits because they have been engaged in unpaid labor at home;
4. They may have lost their rights as a beneficiary under a spouse's pension and health plans.

In other words, displaced homemakers "fall between the cracks" of all existing Federal income security programs.

Provisions of H.R. 10272

H.R. 10272 directs the Secretary of HEW to establish multipurpose service programs (job training, counseling, placement, health education, financial management, and legal counseling) so that displaced homemakers may enjoy the independence and economic security vital to a productive and self-sufficient life.

The bill also directs the Secretary of HEW to cooperate with the Secretary of Labor in conducting a study to determine feasible and appropriate procedures for allowing displaced homemakers to participate in programs under the Comprehensive Employment and Training Act, in work incentive programs, in unemployment compensation, and in programs under the Emergency Job and Unemployment Assistance Act of 1974, and the Emergency Unemployment Compensation Act of 1974.

A displaced homemaker is defined in the bill as an individual who has worked in the home for a substantial number of years providing unpaid household services for family members; is not gainfully employed; has had or would have difficulty in securing employment; and has been dependent on the income of another family member but is no longer supported by such income, or has been dependent on Federal asistance but is no longer eligible for such assistance. As indicated earlier, the number of women who would be eligible for participation is not known.

One important aspect of the bill envisages creation of new jobs utilizing the homemaker's experience, such as home health care aides, consumer education aides, and other needed public services.

Summary

Given an opportunity to work in appropriate occupations, these women can use those years of homemaking in new ways to fill a socially useful function and at the same time provide independence for themselves and pay taxes rather than being supported at taxpayer expense.

Enactment of the Displaced Homemakers bill would by no means solve all problems experienced by displaced homemakers. Broad changes will have to be made in laws and in attitudes even to begin righting the wrongs experienced by this neglected segment of the population and in order to recognize fully the importance of the homemaker's role. But such legislation does aim at eradicating some of the immediate problems by providing for re-entry services and training in job skills so that displaced homemakers may become productive, self-sufficient members of society.

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[35] U.S. Department of Commerce, Bureau of the Census, *Statistical Abstract of the U.S., 1974*, Wash., D.C.: U.S. Government Printing Office, p. 38.

[36] Testimony of Laurie Shields, Coordinator for the Alliance for Displaced Homemakers before the Homemaker Committee, Jan. 10, 1976.

Government Collection of Data on Divorce, Alimony, Property Division, Child Custody, and Child Support[37]

The IWY Commission strongly urges that the 1976 Survey of Income and Education,[38] which is to be conducted by the Census Bureau, include questions which will provide answers to the following:

- **How are children of divorced parents being supported; i.e., what proportion of the support is being contributed by each parent and by the government as welfare?**
- **In what proportion of divorces is alimony awarded and in what amounts?**
- **In what proportion of cases is child support awarded and in what amounts?**
- **How is property divided?**
- **To what extent are alimony and child support awards being collected?**
- **To what extent are fathers getting custody of children? Are mothers paying child support in such cases?**
- **What are the relative economic situations, after divorce, of the spouse with custody of children and the other spouse?**
- **What is the economic status of women who are divorced after many years of homemaking and have little labor force experience?**

The Commission further recommends that such data be secured in each decennial census.

Background

In order to devise effective and equitable policies in this area, the public as well as Federal, State, and local authorities need reliable information on the economic consequences of divorce. Because marriage and divorce are bound by State laws, analysis of these data are needed on a State by State basis as well as nationally.

There are three recent sources of useful information. A 1975 poll conducted by Market Opinion Research for the IWY Commission showed that 14 percent of divorced wives surveyed were awarded alimony, and of these only 46 percent were collecting it regularly.[39]

In 1922 alimony was awarded in 14.7 percent of cases. This was the last year in which the Federal Government collected such data. Child support data were not collected. In 1916, 15.3 percent of divorced women were awarded alimony. This was the highest figure between 1883 and 1922, the period during which such data were collected.[40]

The Market Opinion Research Poll indicated that 44 percent of divorced mothers were supposed to be receiving child support payments, but of these only 45 percent were collecting it regularly.

A second recent source of national information is the study by the Survey Research Center of the University of Michigan, "Five Thousand American Families." The authors reported that the financial status of husbands improved following divorce whereas the situation of the wife deteriorated, probably, the study suggests, because the wife had custody of the children. Thirteen percent of the divorced wives were receiving some type of welfare payment.[41]

The General Accounting Office in recent years conducted a study of nonsupport by the absent parent of welfare families. This study was requested by Representative Martha Griffiths, who was then Chairperson of the Subcommittee on Fiscal Policy of the Joint Economic Committee. Although the study is not available to the public, Representative Griffiths reported some of its preliminary findings in a speech on the House floor. Of 149 absent parents under support order or agreement, their median monthly earnings were $172 and their median ordered or agreed-to child support payment was about $95 per month, or $50 per child. About one quarter of these absent parents were paying 90 percent or more of the ordered or agreed-to payments and half were making practically no payments.[42]

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[37] Recommendation approved by Homemaker Committee by mail on Sept. 17, 1975; by IWY Commission Aug. 29, 1975; and by mail in Oct. 1975.

[38] Through the cooperation and interest of the Department of Health, Education, and Welfare, some of the information requested will be collected in the 1976 Survey of Income and Education. The Department hopes to fund collection of the additional data requested plus other information on single parent families.

[39] The Commission will publish separately a summary of the results of this poll, which covers a wide variety of topics.

[40] U.S. Department of Commerce, Bureau of the Census, *Marriage and Divorce 1922*, Wash., D.C.: U.S. Government Printing Office.

[41] Duncan and Morgan, eds., *Five Thousand American Families—Patterns of Economic Progress*, vol. III, Survey Research Center, Institute for Social Research, Ann Arbor, Mich.: University of Michigan.

No consistent relationship was found between compliance with support orders and the income of the absent parent. In the under $6,000 income bracket, 81 percent of the parents were not in substantial compliance. Of those earning between $6,000 and $12,000, 66 percent were not in substantial compliance, nor were 70 percent of those earning $12,000 or more.

A study of single parent families in Michigan revealed that 47 percent of divorced women who head households and 73 percent of such separated women received no alimony or child support payments.[43] It further found that for those who received payments, the median amount was about $1,350 per year.

Congress has enacted legislation intended to improve the reliability of alimony and child support payments.[44] The legislation provides that the wages of Federal employees as well as all government benefits, such as Social Security checks, will be subject to garnishment for enforcement of child support and alimony obligations. In addition, the law provides support for State units and Federal assistance in collecting child support. This law received its impetus from the large numbers of children supported with taxpayers' money through welfare programs, but the State programs to be implemented through this law will be available to nonwelfare recipients as well. It will be January 1, 1977, before the State programs go into effect, and some time after that before their effectiveness and their usefulness as sources of data on the subject of child support can be evaluated. For further details on this program, see the recommendation "State Help in Collecting Child Support for Families Not on Welfare."

In summary, the national data available clearly indicate that contrary to popular beliefs, women and children are bearing disproportionately the economic dislocations of divorce and that the public is supporting a number of families where the former husband is able to provide. More precise information on a State basis is needed.

State Help in Collecting Child Support Payments for Families Not on Welfare[45]

The IWY Commission recommends that Section 455(2) of Public Law 94–88, which requires the termination on June 30, 1976, of Federal support to administrative costs for child support collection services for non-Aid to Families With Dependent Children (AFDC) mothers, be amended to eliminate the deadline.

Background

On January 4, 1975, the Social Security Act was amended to strengthen collection of child support payments both for families receiving Aid to Families with Dependent Children and for those not receiving such aid. This program is usually referred to as the "IV–D Program" because it was set up under Title IV–D of the amendments to the Social Security Act (Public Law 93–647). The major components of the IV–D program are:

1. Each State must establish and have efficiently operating by January 1, 1977, an IV–D unit or lose 5 percent of its Federal reimbursement for its entire AFDC program. The IV–D unit may be a separate organization or be included in an already existing State agency or department. All units will be under the supervision of the new Child Support Enforcement Bureau of HEW.

2. The IV–D unit will seek the cooperative efforts of district attorneys, welfare departments, and collection officials of the State or county in securing court orders for child support, establishing paternity, locating defaulting parents, and collecting the monies owing to the AFDC

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[42] *Congressional Record,* Dec. 4, 1974, H.11291.

[43] Hugh Heko, *Single Parent Families: Issues and Policies,* Washington, D.C.: Brookings Institution, 1973.

[44] Public Law 93–647, title IV–D.

[45] Recommendation approved by Homemaker Committee on Jan. 13, 1976; by IWY Commission Jan. 16, 1976.

program or to the non-AFDC parent. The unit may charge a fee for services rendered non-AFDC parents and deduct the collection costs from the amount collected.

3. Federal reimbursement of 75 percent is available for administrative costs incurred by the State in establishing and operating the IV–D unit. In the case of costs incurred for services for non-AFDC parents, the 75 percent reimbursement will cease June 30, 1976.

4. The inter-State child support collection program known as URESA (Uniform Reciprocal Enforcement of Support Act) will be reorganized for maximum effectiveness.

5. At the Federal level, a system for locating absent parents, called a parent locator service, is established.

For some unknown reason, Congress required that as of June 30, 1976, the States would no longer be reimbursed for services to families not on welfare. In view of the great difficulty faced by private citizens in collecting child support payments, and in view of the hardship incurred by the custodial parent in trying to sustain the family without these payments, the June 30 deadline should be eliminated. Without the assistance of the State in collecting child support payments, a number of these families not currently receiving welfare will probably be forced to accept welfare in order to cover everyday living expenses.

International Interdependence Committee[46]

Opposing Abolition of U.N. Commission on the Status of Women[47]

The IWY Commission recommends that the U.S. Department of State oppose the abolition of the U.N. Commission on the Status of Women, as recommended in the Report of the Group of Experts on the Restructuring of the U.N. System, and work for the retention of this Commission—the only support system for women within the United Nations. It is recommended further that the U.N. Commission on the Status of Women meet annually rather than biennially.

Background

The U.N. Commission on the Status of Women, established in June 1946, is charged with making recommendations and reports to the U.N. Economic and Social Council (ECOSOC): (a) "on promoting women's rights in the political, economic, civil, social, and educational fields"; and (b) "on urgent problems requiring immediate attention in the field of women's rights, with the object of implementing the principle that men and women shall have equal rights."[48]

Since its creation, the Commission has studied obstacles to achieving equal rights for women and has suggested ways to remove such obstacles. Without attempting to list the innumerable important documents that originated in the Commission on the Status of Women, it should be noted that instruments such as the Convention on Political Rights of Women and the report on the "Legal Capacity of Married Women—Capacity to Engage in Independent Work" resulted from the work of this body. Moreover, it was the U.N. Commission on the Status of Women that first proposed that 1975 be proclaimed International Women's Year and later, that the United Nations hold a World Conference on IWY. In brief, this Commission has produced solid results and is the only support system within the United Nations working to improve the status of women. Solid progress has been made by the Commission, in spite of its meager budget and the higher priorities assigned by the United Nations to areas of greater political interest. For example, because of fiscal strains on the overall U.N. system, the Commission on the Status of Women now meets only every 2 years instead of annually.

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[46] IWY Commission members: Patricia Hutar, Chair; Elizabeth Athanasakos, Helen K. Copley, and Clare Boothe Luce. Public members: Dr. Jerald Brauer; Naomi Shenstone Bonnelly, Professor of Christianity, University of Chicago; Joan Dunlop, John D. Rockefeller III Fund; Adrienne Germain, Ford Foundation; Dorothy Height, President of National Council of Negro Women; Jewel S. LaFontant, attorney; Mary Locke, International Relations Chairman, League of Women Voters; Dr. Elizabeth May, President of International Federation of University Women; Catherine E. McDermott, Carnegie Corporation of New York; Florence Perman, Advisor to Department of Health, Education, and Welfare; and Carmen Votaw, President of Washington Chapter of National Conference of Puerto Rican Women.

Staff Member: Joan Goodin.

[47] Recommendation approved by International Interdependence Committee Dec. 4, 1975; by IWY Commission Jan. 16, 1976.

[48] U.N. ECOSOC 405 (1946).

If it were not for this Commission, almost certainly little would be done within the United Nations to improve the status of women around the world. Further, there would be no communications or support systems for women at this international level.

For these reasons the committee energetically opposes the recommendation of the Group of Experts on the Restructuring of the U.N. System by which ECOSOC "should assume direct responsibility for the work now performed by" eight U.N. committees and commissions—including the Commission on the Status of Women—"all of which would cease to exist." (Note: The 26-member Group of Experts, appointed by the U.N. Secretary General, did not include a single woman.) Moreover, the U.S. Department of State should actively endeavor to insure the continued existence of the U.N. Commission on the Status of Women, in keeping with its terms of reference and its broad mandate as a result of the World Conference for IWY.

Recruiting Women for Positions Within the United Nations System[49]

The IWY Commission recommends that:

1. The Bureau of International Organization Affairs within the Department of State—the department exercising primary responsibility in this field—maintain a current roster of women qualified for positions within the U.N. system.

2. The Bureau, in its search for qualified candidates, use not only this roster but also all relevant organizational and private sources of information in order to assure wider employment of American women within the U.N. system, especially on technical, policymaking, and managerial levels.

Background

The International Recruitment Staff within the Bureau of International Organization Affairs maintains a roster of some 3,000 persons qualified for U.N. positions. This roster, based on applications from job seekers, provides only about 15 percent of the Americans who are actually placed in U.N. positions. The remaining 85 percent are located through active recruitment, which entails contacting agencies of the Federal Government, university departments, professional associations, etc.

The recruitment staff states that its present roster can and does provide the names of women applicants since they can usually be distinguished by their first names. The committee believes that a more certain system would be to encode the roster so that names of women applicants could be extracted when a position opens up and could be considered together with names of men applicants. This would save the time required to select female applicants and should not cause any additional expenditure.

Since the individual recruitment procedure is more important than the use of the roster, the committee recommends that the Bureau make use of all organizational and private sources of information to assure wider employment of American women in the U.N. system. This could include such measures as circularizing women's colleges, professional societies, clubs, etc., advising them of a State Department drive to increase the number of American women in the U.N. system and asking them to circularize their memberships.

Also, reference could be made to the rosters of qualified women which are now being established by various government agencies. Use of these rosters should include direct contacts with women's organizations and women's caucuses within professional organizations—with special attention given to minority women's groups, many of which have the added advantage of bilingual membership. The committee is assured that the recruitment staff is already making those contacts as a matter of policy.

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[49] Approved by International Interdependence Committee Dec. 4, 1975; by IWY Commission Jan. 16, 1976.

Appointing Women to Governing Bodies of International Organizations[50]

The IWY Commission recommends that the President instruct all concerned agencies of the Executive Branch to strive to appoint women on an equal basis with men to represent the United States on all executive boards and governing bodies of international organizations and on U.N. functional commissions such as the U.N. Development Program, the U.N. Educational and Scientific Organization (UNESCO), the International Labor Organization (ILO), the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD), the U.N. Commission on Human Rights, the Organization of American States (OAS), etc.

Background

Women represent the United States on two U.N. functional commissions—the Commission on the Status of Women and the Commission on Social Development. But they are largely absent from the governing bodies of other U.N. organizations and the specialized agencies.

There is no set pattern for the organization of governing bodies. The governing body of the Food and Agriculture Organization, for example, is the Annual Conference; that of the IMF is the Board of Directors, which meets throughout the year.

Implementing this recommendation, therefore, would require that the concerned agencies—particularly the White House—be sensitive to the need for appointing women to these key positions. A mandate from the White House would do more than any other one action to make this recommendation effective.

Appointing Women to U.S. Delegations to International Conferences[51]

The IWY Commission recommends—as a means to give women equal representation with men on governing boards of international bodies and on U.S. delegations to international conferences—that:

1. Each government agency concerned maintain a current roster of qualified women.

2. Rosters be drawn from both government and private sectors.

3. Agency heads be required to nominate equal numbers of men and women.

Background

This recommendation is intended to help correct the present inequitable situation in which there are roughly 20 times as many men on U.S. delegations to international meetings as there are women. A survey of the files at the State Department's Office of International Conferences for FY 1975 revealed that the figures for delegates to conferences, meetings, working groups, councils, etc., were 3,459 men to 194 women, or 95 percent men and 5 percent women.

A major difficulty to be overcome in righting this inequity is the contention among concerned government agencies that not enough qualified women are available. They point out that the percentage of women occupying all government positions at the GS-13 level and higher is about 5 percent. This fact suggests that the problem transcends representation on delegations and is a part of the far larger problem of inequitable representation for women in the higher levels of government.

While it recognizes that the larger problem exists, the committee believes that responsible agencies, if they have the will, can begin rectifying the immediate problem of inequitable female representation by maintaining rosters of qualified women and by drawing upon the names listed whenever they nominate delegates. Also, recognizing that government agencies generally nominate from among government officials before turning to private citizens, the committee believes that in the interests of equity and justice the agencies should draw upon the private sector to supplement qualified government delegates.

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[50] Recommendation approved by International Interdependence Committee Dec. 4, 1975; by IWY Commission Jan. 16, 1976.

[51] Recommendation approved by International Interdependence Committee Dec. 4, 1975; by IWY Commission Jan. 16, 1976.

The committee has been informed by the Office of International Conferences that on its own initiative it has taken action that in part implements this recommendation. In October 1975 the Committee sent a memorandum to all government agencies that participate in the nomination of delegates and asked them to establish rosters of women who could represent the United States at international conferences. Almost every addressee agency has responded affirmatively. This is a very constructive initiative. If it is to achieve its purpose, however, follow-up action, preferably by women's organizations within the responsible agencies, must be taken to see that such rosters are in fact established, that they do list all the qualified women possible, and that they are actually used in the nominating process.

Appointing a Committee To Advise on the Selection of Women Members for International Bodies[52]

The IWY Commission recommends that a permanent committee composed of government officials and public members, a majority of them women, be made responsible for advising the State Department's Bureau of International Organization Affairs on the selection of women candidates for positions on U.S. delegations, on governing bodies of international agencies, and in the U.N. system.

Background

Whether women are given an equal opportunity with men to serve in responsible positions on international bodies depends on how enthusiastically and determinedly the agencies concerned act. If an advisory committee were formed to ask the necessary questions and to inspect the relevant records, good intentions would be less likely to fall by the wayside.

This committee envisages that the proposed advisory committee be composed of 12 representatives, one of whom would serve as Chair. The composition would be as follows: one representative each from the Department of State, the U.S. Information Agency (USIA), the Agency for International Development (AID) and the Office of U.S. Representative to the Organization of American States (OAS); and 8 from the private sector. The public members would be drawn from women's organizations, women's caucuses of professional organizations and societies, and minority women's groups. The 12 members would be nominated by the IWY Commission and be appointed by the Secretary of State. The term of office would be 3 years, with the exceptions noted below, and three new members would start their terms each year. To achieve this staggering of terms, three members, one government official and two public members, would be appointed for 1 year only; three members, one government official and two public members, would be appointed for 2 years only; and five members would relinquish their seats after the first 3 years. The Chair would be appointed.

After the IWY Commission's authority expires, which as now anticipated is 1978, the nominations would be made by the proposed Special Assistant to the Secretary of State for the Participation of Women in Foreign Policy. The establishment of this position is the subject of a separate recommendation.

Appointing a Special Assistant to the Secretary of State for the Participation of Women in Foreign Policy[53]

The IWY Commission recommends that a Special Assistant to the Secretary of State for the Participation of Women in Foreign Policy

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[52] Recommendation approved by International Interdependence Committee Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

[53] Recommendation approved by International Interdependence Committee Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

be appointed to assume, upon the termination of the IWY Commission, responsibility for U.S. participation in the U.N. Decade of Women. The Special Assistant would provide Executive Branch followup on the decisions of the forthcoming National Women's Conference (discussion follows) insofar as they deal with foreign affairs and would supervise implementation of recommendations proposed by the IWY Commission on the participation of women in formulating and administering foreign policy.

Background

At its 30th General Assembly, the United Nations adopted, with U.S. support, a resolution calling for the "U.N. Decade of Women: Equality, Development, and Peace (1975–1985)," and for a midterm conference in 1980. Shortly thereafter, the U.S. Congress passed Public Law 94–167, which provides for the holding of a National Women's Conference, to be preceded by State or regional preparatory conferences. Among its responsibilities, the National Conference is to identify the barriers that prevent women from participating fully and equally in all aspects of national life; to recommend how such barriers can be removed; and to assess the participation of women in efforts to develop friendly relations and coöperation among nations and to strengthen world peace.

The U.S. Government organization charged with implementing this program is the IWY Commission. Its life has been extended for 150 days after the conclusion of the National Conference, or no later than March 1978.

Upon the expiration of the IWY Commission, much continuing work will clearly be required to follow through on the initiatives taken during the National Conference; to plan and administer U.S. participation in the U.N. Decade of Women and in the related midterm conference; and to see that approved recommendations of the IWY Commission on the participation of women in foreign policy do not die aborning for lack of followup action.

The IWY Commission recommends that the new position of a special assistant be established before the Commission is terminated because provision would have to be made for that position and for appropriate staff in the budgetary process for FY 1978.

Involving Women in the Formulation of Positions To Be Taken at U.N. and Other International Conferences[54]

The IWY Commission recommends that the President direct the heads of responsible agencies to consult those representatives of women's nongovernmental organizations that have expertise in relevant fields before formulating positions to be adopted by the U.S. Government at U.N. and other international conferences.

Background

As the President of the United States said when he proclaimed the International Women's Year, "There is a growing awareness today of the significant contributions that American women have made to our country's development, its culture, and its social and economic life. . . . Despite these important contributions, women continue to face inequities as they seek a broader role in the life of our Nation."[55]

In this age of international interdependence, it becomes increasingly clear that the positions taken by our Government in foreign affairs tend to affect directly the U.S. population, of which women comprise over 50 percent. However, women's voices are seldom heard when such positions are being formulated.

The committee therefore feels that the heads of the responsible agencies should seek input from nongovernmental women's organizations when formulating U.S. positions on international matters. This information could be obtained by inviting women's organizations and women's caucuses within professional organizations to participate, paying special attention to minority women's groups, in initially considering the foreign policy positions to be adopted.

The committee notes that in its "impact" statement made through the Interdepartmental Task Force to the IWY Commission, the State Department said:

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[54] Recommendation approved by International Interdependence Committee Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

[55] Proclamation 4262, Jan. 30, 1974.

"Although women are more than half the national constituency, no special attention is given to developing them as a political resource in support of foreign policy goals. It is in the interest of the Department to analyze the issues of special concern to women, to focus public affairs programs on such issues, to direct public affairs material to women, and to make every effort to involve women in support of U.S. foreign policy."

Although the committee applauds that statement, it believes that communication is a two-way affair. In addition to involving women "in support of U.S. foreign policy," the opinions of women should be taken into account when developing that policy.

In essence, the committee is convinced that including women's organizations in the policy-making process will greatly enrich the foundation upon which U.S. foreign policy must rest.

Increasing the Participation of Women in Formulating and Administering U.S. Foreign Policy[56]

The IWY Commission recommends that the President direct the heads of the U.S. Department of State, the Agency for International Development (AID), the U.S. Information Agency (USIA), and all other Federal agencies with international responsibilities and with staffs serving overseas to:

1. Establish and implement procedures to get more women to participate in formulating and administering U.S. foreign policy. Such procedures should include the following:

a. Continued and intensified attention should be given to attracting women candidates from all sectors of society (giving special consideration to minority groups), during the recruitment process, with a view toward hiring equal numbers of women and men at the entry level. Recruiting advertisements should be designed and distributed in ways to attract qualified women candidates, and recruitment teams should include women. Student recruitment efforts should emphasize and encourage the participation and selection of young women in internships and summer programs to increase the number of women applicants to positions within the foreign affairs agencies.

b. An aggressive program of recruitment, training, assignment, and promotion should be established to increase the number of women serving in mid- and upper-level career positions, with a view toward having equal numbers of women and men serving at all professional levels.

c. Government managers should be made accountable for and evaluated in terms of their compliance with the law requiring Federal agencies to act affirmatively on the Equal Employment Opportunity Program. A system should be designed to commend those managers who act affirmatively as well as those who refrain from discriminating on the basis of sex.

2. Include, as a part of their annual review to the Office of Management and Budget in requests for funding, a status report on the extent to which they have implemented the procedures recommended above (i.e., the "Percy Amendment"), through the year 1985.

3. Provide for the participation of nongovernmental women's groups in planning and implementing State Department public affairs programs throughout the country. Moreover, government spokespersons participating in such public affairs programs should include as many women as possible.

4. Establish in the foreign affairs agencies at appropriate bureau or divisional levels the position of liaison officer. He or she would be responsible for establishing and maintaining close contact with interested nongovernmental women's organizations experienced and expert in policy matters of a particular division or bureau, so that the agencies can solicit, on a regular basis, views from informed persons in the private sector.

Background

As Senator Charles H. Percy stated, referring to the results of the Congressional Symposium on IWY and the U.N. IWY Conference at Mexico City, it has been "concluded that women have been virtually excluded from every aspect of the foreign policy area."[57] This was underlined at the conference in the unanimously adopted World Plan of Action, which calls for increased participation of women in international affairs.

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[56] Recommendation approved by International Interdependence Committee Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

When considering this matter, the International Interdependence Committee had a dual focus: (a) the employment of women inside the foreign affairs agencies; and (b) the role of nongovernmental women's organizations that have programs dedicated to foreign policy matters.

With regard to employment, the committee found that women hold only a small percentage of mid- and upper-level positions in three major foreign affairs agencies (State Department, USIA, and AID). Therefore, recruitment practices for entry-level positions should seek a greater number of qualified women candidates. From all the evidence, more women in the decisionmaking processes of U.S. foreign affairs agencies would greatly encourage women in general to use their influence in foreign policy matters.

This conclusion was confirmed by the State Department in evaluating the impact of its programs on women:

> "Department of State bureaus, in assessing ways in which their programs might have a more positive impact on women in the U.S., recognized as a significant problem the paucity of women in policymaking or program-directing roles in their own offices. Thus, although women are more than half the national constituency and a powerful political resource to sway foreign policy, the Bureau of Public Affairs has six male division chiefs to one acting female chief; five male office directors to one woman; one female Deputy Assistant Secretary and two males; and a male Assistant Secretary. The Bureau of Education and Cultural Affairs, dealing with the same constituency in its efforts to increase mutual understanding between the U.S. and other countries, has no women at the Assistant Secretary or Office Director level;[58] three at the Deputy Director level, but few others in policymaking roles."

Other statistics reveal that of the functional and geographic bureaus located in the Department of State, the number of women at the mid- and senior-officer levels is exceedingly low when compared to the female percentage of the U.S. population—over 50 percent. For example, in two of the largest and most important bureaus a profile showed the following: Bureau of Economic and Business Affairs—of 111 persons in mid- and senior-officer level positions, only 11 (10 percent) were women; Bureau of European Affairs—of 119 only 9 (8 percent) were women. (These figures were compiled in early 1975 but are the latest available.)

The State Department's "impact" evaluation, after citing the above-quoted data, continues:

> "The primary recommendation, therefore, is to increase the representation of women in policymaking and program-directing positions. It is in the interest of the Department and of the United States."

Another important factor in insuring a greater role for women in foreign affairs agencies is the attitude of managers toward laws requiring affirmative action. As the Equal Employment Opportunity Program Director of AID stated in her recommendations to the committee, "Enforcement of the law requiring that Federal agencies act affirmatively . . . [instead of merely refraining from discrimination] must be strengthened." She further noted that "the distinction between affirmative action and nondiscrimination is the difference between the active and the passive mode." It is in order to insure that the active mode is followed that the Committee recommends that the "Percy Amendment" approach be adopted in funding foreign service agencies.

To encourage women's active interest in foreign policymaking, for which the second and third recommendations above are designed, is likely to lead more women generally to urge government compliance with the provisions of the World Plan of Action.

Study of the Status of Women in the Foreign Affairs Agencies[59]

The IWY Commission recommends that the

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[57] "Report to the Committee on Government Operations, U.S. Senate" by Senator Charles H. Percy (Ill.), Sept. 8, 1975, p. 15.

[58] In late winter 1975, the Bureau of Educational and Cultural Affairs announced the appointment of a woman as Deputy Assistant Secretary and a woman as Office Director.

[59] Recommendation approved by International Interdependence Committee Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

President direct the heads of the Foreign Service agencies to:

1. Prepare a report due December 3, 1976, on the status of their women personnel[60] in order to determine whether they have been given assignments equal to their professional qualifications and also opportunities for promotion equal to those given their male colleagues. The report should include a survey of those women Foreign Service personnel in positions classified below, equal to, or above their own personal rank (relative to men in comparable situations), and should compare the rate of promotions of men and women Foreign Service employees for the past 10 years.

2. Explore, through a program of exit interviews, the reasons for the disproportionately high incidence of resignations and early retirements among women Foreign Service employees.

Background

Selected statistical material (as of June 30, 1974) on Foreign Service women employees in the Department of State showed that women made up 25.8 percent of all Foreign Service employees, 8.8 percent of the Foreign Service officer corps, but only 3.5 percent of senior-level employees in the entire Foreign Service. A preliminary study of the 100 State Department women Foreign Service employees eligible for senior assignments showed that 43 were serving in positions at least one grade lower than their personal rank. The Office of Equal Opportunity found that women lagged 3–5 years behind their male colleagues in achieving promotions and that women were clustered in support functions rather than in policymaking positions. Women, finding it difficult to reach the upper levels, were leaving the Foreign Service voluntarily at middle levels, taking valuable talents with them.

The study recommended by this Committee should examine whether the talents of present Foreign Service women employees are being used to their maximum potential and if women are being rewarded equally, relative to men colleagues. Because the Foreign Service personnel system, unlike Civil Service, assigns each individual a personal rank (determined competitively each year), comparing the grade of the position with the rank of the individual gives a rough but easily identifiable indication of how effectively employee talents are being utilized.

More women can be brought into top decisionmaking positions in our foreign affairs agencies, as recommended elsewhere by this committee, by insuring that women employees on active duty—the full-time professionals who have met the rigorous tests for entry and performance—are given an equal opportunity with men for challenging assignments and rewards through the competitive promotion system.

Upgrading the International Women's Program Within the Bureau of International Organization Affairs, U.S. Department of State[61]

The IWY Commission recommends that the Secretary of State direct the Assistant Secretary for International Organization Affairs to upgrade the Office of International Women's Programs to that of Special Advisor for International Women's Programs to the Assistant Secretary, with an appropriate increase of staff.

Background

The Office of International Women's Programs is a part of the Directorate for Labor and Women's Affairs, one of 15 directorates within the Bureau of International Organization Affairs. This Office, because it affects the work of the entire Bureau and cuts across directorate lines, should be upgraded to have direct access to the Assistant Secretary handling international organization affairs and should make its influence felt in all directorates.

The reorganization recommended by the Commission is especially called for now, due to the broadened scope of women's programs offered during the International Decade for Women. The new approach is underlined by

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[60] As used in this recommendation, Foreign Service personnel include the following: Foreign Service Officers, Foreign Service Information Officers, Foreign Service Reserve Unlimited, Foreign Service Reserve (Limited), Foreign Service Staff, and Staff (Limited).

[61] Recommendation approved by International Interdependence Committee Feb. 9, 1976; by IWY Commission Feb. 27, 1976.

Presidential statements, by documents adopted by the U.N. General Assembly and other international organizations, following the U.N. World Conference at Mexico City.

In accepting the report of the World Conference of the IWY, the 30th session of the U.N. General Assembly approved a broad and intensive program of action to eliminate discrimination based on sex and to integrate women into all aspects of U.N. development efforts during the next decade. The instruments that were adopted, particularly the World Plan of Action, represent a clear commitment to expand any government action that would give women greater opportunities to participate in the activities of the various agencies and commissions of the U.N. system, the Inter-American system, and other intergovernmental organizations.

The International Interdependence Committee therefore feels strongly that the existing staffing of international women's programs, as subsidiary to the office director who handles international labor affairs, minimizes the effectiveness of the programs of this office. The office must be raised above the level of the other directorates within the Bureau of International Organization Affairs and be placed in the office of the Assistant Secretary so that it can have an effective impact on all segments of this important Bureau.

This recommendation accords with the recommendations made by the House Foreign Affairs Committee after its hearings on human rights in 1974. Since no action was taken at that time, and in view of U.S. support for IWY programs that endorse an equal role for women, this recommendation should be implemented immediately.

In addition to the Special Advisor to the Assistant Secretary, as recommended, there should be a minimum staff of three program officers and two secretaries. This staff would provide (a) necessary international program support and participation in regional and international seminars, conferences, and national meetings concerned with women's participation in foreign affairs; and (b) fuller consultation with nongovernmental organizations interested in these programs.

The following chart shows the present status of the women's program within the Bureau and the change that would be effected by this recommendation.

Establishing in the Foreign Service Institute Courses on the Status of Women Around the World and Its Implications for Multilateral Diplomacy[62]

The IWY Commission recommends that the Secretary of State instruct the Foreign Service Institute of the Department of State to take immediate steps to plan and implement one or more courses on the women's movement around the world and its implications for international diplomacy. The Commission further recommends that other courses at the Foreign Service Institute be reviewed and data on women included.

Background

In recognition of the women's movement having become an international phenomenon, 1975–85 has been designated by the United Nations as the Decade for Women and Development. Yet many employees in the foreign affairs agencies of the U.S. Government do not yet realize that the aspirations and objectives of feminism—variously but universally and increasingly being upheld by men and women in all countries—have political, social, and economic implications within nearly all societies and for diplomatic relations among nations.

Feminist objectives, in the United States and in most other countries, are fundamentally the same human rights as are set forth in the Declaration of Independence and the Constitution and its Bill of Rights—by clear implication the fullest development of every individual's human potential, free of restrictions based primarily on that individual's sex.

Attitudes, laws, and customary practices pertaining to women's rights and responsibilities are changing profoundly and demonstrably at precisely the same time as the issues of global diplomacy also are being redefined.

Speaking generally, before World War II diplomacy was largely concerned with negotiat-

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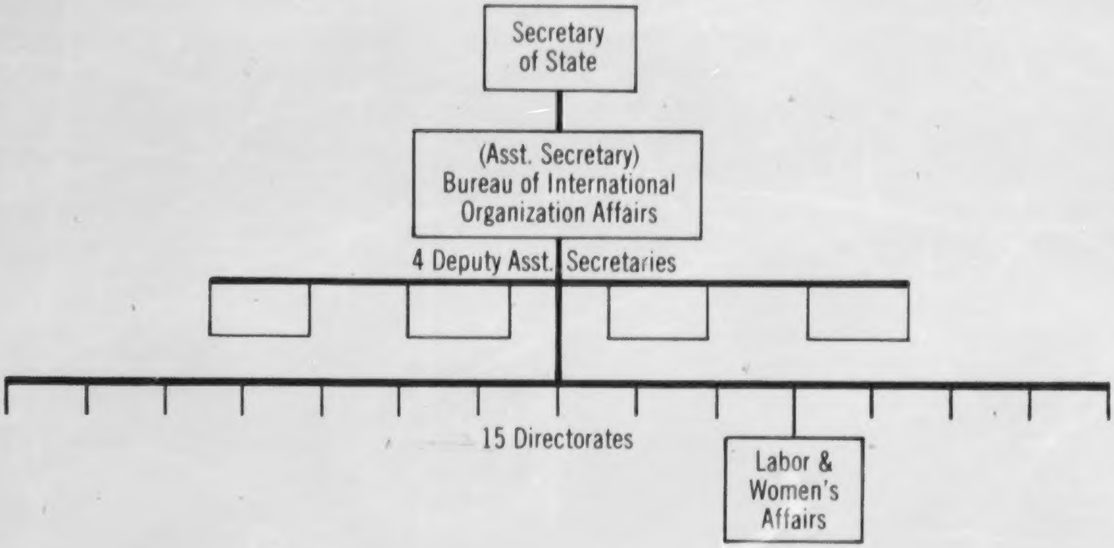
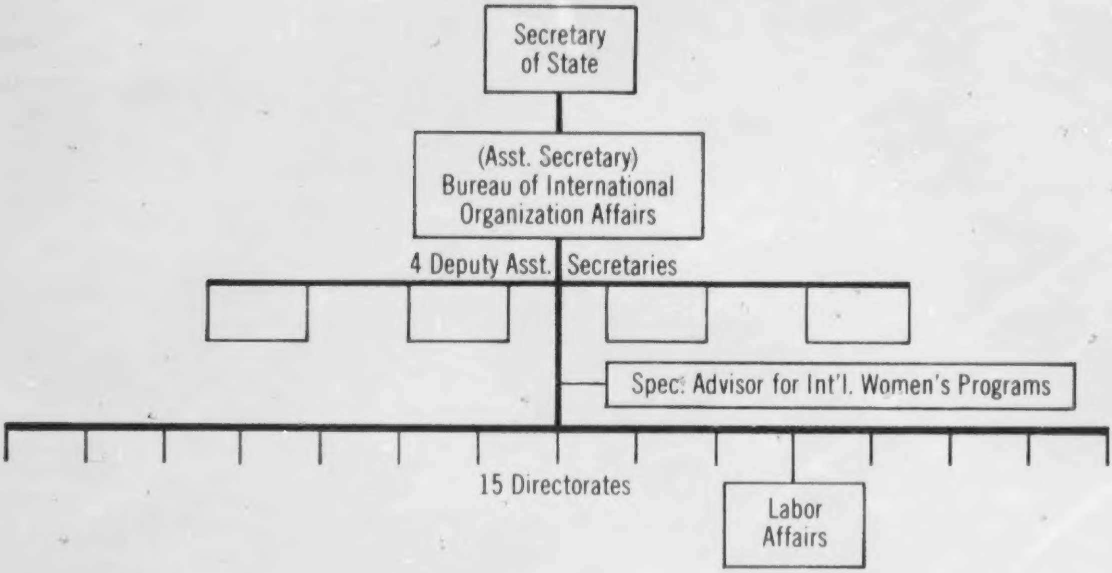
[62] Recommendation approved by International Interdependence Committee Feb. 25, 1976; by IWY Commission Feb. 27, 1976.

BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS CURRENT STRUCTURE


Secretary of State
(Asst. Secretary) Bureau of International Organization Affairs
4 Deputy Asst. Secretaries
15 Directorates
Labor & Women's Affairs

BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS STRUCTURE SUGGESTED PER IWY RECOMMENDATION


Secretary of State
(Asst. Secretary) Bureau of International Organization Affairs
4 Deputy Asst. Secretaries
Spec. Advisor for Int'l. Women's Programs
15 Directorates
Labor Affairs

ing and implementing treaties of peace, friendship, commerce, and navigation and with protecting citizens abroad (consular activities). In the last few decades the content of multilateral diplomacy has related more and more to global issues such as food production and distribution; the impact of unchecked population growth on national and international institutions; the use and conservation of natural resources and protection of the planetary environment; utilization and development of energy resources; consumption patterns and attitudes; exploration and utilization of space and the seabeds; and worldwide transformation of many facets of human life due to the speed of travel and communication.

All of these issues, in one context or another, can be considered subjects in which women have both a particular, as well as a traditional, concern.

Although the women's movement has taken various forms in different areas of the world, the general consensus is that women's contribution, if unfettered by legal or attitudinal restrictions, could lead to much greater progress by peoples and their governments toward alleviating or solving the problems that are transforming global diplomacy.

Courses that link redefined international issues with an expanding social movement, a movement that may be crucial and is nearly universal, would benefit employees of the foreign affairs agencies and other government employees as well.

International Conventions for Women Committee[63]

Ratification of International Conventions on Women[64]

The IWY Commission urges the immediate ratification of the United Nations Convention on the Political Rights of Women and the Inter-American Convention on the Granting of Political Rights to Women.

The Commission believes that the failure of the United States to ratify these international conventions on women's rights contravenes the spirit of our Constitution and discredits the strength of our national commitment to equal rights and to opportunities for all.

Since the United States is already legally bound by our Constitution and statutes to all the major human rights commitments set forth in these conventions on women's rights, the Commission proposes that it is in the best interest of this country to ratify these conventions as reaffirming our recognition of and support for minimum universal guarantees of dignity to one-half the human race.

As a major commitment, the Commission pledges to do all it can to forward the recommendation of the International Women's Year World Plan of Action that every effort be made by those governments which have not already done so to ratify these international instruments on women's rights. The Commission urges concerned individuals and organizations to support this effort.

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[63] IWY Commission members: Senator Charles H. Percy, Chair; Velma Murphy Hill and Patricia Hutar.
Staff member: Joan Goodin.

[64] Recommendation approved by International Conventions for Women Committee Oct. 16, 1975; by IWY Commission by letter Oct. 1975.

The recommendation calling for U.S. ratification of two international conventions on the political rights of women has been overtaken by events. On January 22, 1976, the Senate voted to accept the U.N. Convention on the Political Rights of Women and the Inter-American Convention on the Granting of Political Rights to Women. They were signed by the President on March 21, 1976, and the U.N. Convention comes into force for the United States July 7, 1976. The recommendation and background discussion as originally approved by the IWY Commission are included to complete the record.

STATUS OF WOMEN'S RIGHTS CONVENTIONS IN RELATION TO UNITED STATES RATIFICATION

Title	*Origin*	*Signed*	*Transmitted to Senate*	*Current status—U.S.*	*Current status—global*
Nationality of women	Inter-American Conference 1933	Dec. 26, 1933	May 12, 1934 by President Roosevelt	Ratified with reservations June 30, 1934	13 OAS States ratified or acceded to
Political rights of women	OAS* 1948	May 2, 1948	Jan. 13, 1949 by President Truman	Senate accepted Jan. 22, 1976	17 OAS States ratified or acceded to
Civil rights of women	OAS 1948	May 2, 1948			16 OAS States ratified or acceded to
Suppression of the traffic in persons and of the exploitation of the prostitution of others	U.N.** 1950				In force July 25, 1951; 42 countries now adhere
Political rights of women, U.N.	U.N. 1953		July 22, 1963 by President Kennedy	Senate accepted Jan. 22, 1976; in force July 7, 1976	In force July 7, 1954; 82 countries now adhere
Consent to marriage, minimum age for marriage and registration of marriages	U.N. 1962	Dec. 10, 1962			In force Dec. 9, 1964; 29 countries now adhere
Nationality of married women	U.N. 1957	Feb. 20, 1957			In force Aug. 11, 1958; 40 countries now adhere

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* Organization of American States.
** United Nations.

Discussion

The U.S. record on ratifying international women's rights conventions is poor. Of seven conventions on women's rights approved by international bodies, the U.S. has ratified only one (see chart, which includes U.S. acceptance in early 1976 of two additional conventions).

The major U.S. objections to ratifying the human rights conventions and the appropriate responses follow:

Objection: Under the Constitution, the issue of human rights is not a proper subject for exercising the treatymaking power.

Response: The Constitution does not express any specific limitations of the treatymaking power. The power, however, is not unrestricted. The Supreme Court ruled in *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890):

> It would not be contended that it [the treatymaking power] extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the states, or a cession of any portion of the territory of the latter, without its consent.
>
> . . . But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching on any matter which is properly the subject of negotiations with a foreign country.

It would be difficult to interpret any of the international women's rights conventions as requiring anything which in essence contravenes an express prohibition of the Constitution or changes the character of the government. However, if a particular convention may be held in part incompatible with constitutional requirements or government policy, the convention could be accepted with a reservation or an understanding which would exclude, modify, or nullify the effect of the incompatible provision.

Objection: Human rights essentially fall within domestic jurisdiction and therefore are not a proper subject of negotiations with a foreign country.

Response: Concern for human rights has been a traditional American principle and a major feature of U.S. foreign policy. Throughout its history the United States has intervened on behalf of oppressed religious and ethnic minorities in other lands. The United States also has been party to international treaties dealing with human rights. In the 19th century the United States was a party to numerous treaties regulating the slave trade. The Hoover Administration ratified the League of Nations Convention on Slavery. The F. D. Roosevelt administration ratified a convention on the nationality of women. Further, the United States ratified the U.N. Charter which has as one of its central concerns the protection of human rights and fundamental freedoms. More recently, in 1967 the United States ratified the Supplementary Convention on the Abolition of Slavery.

Objection: Ratification of human rights conventions would shift into the Federal domain certain subjects hitherto reserved for State jurisdiction.

Response: The treatymaking power is not circumscribed by the 10th amendment, which makes a general reservation of power to the States. In *Missouri* v. *Holland,* 252 U.S. 416 (1920), the Supreme Court decided that the Constitution authorizes Congress to pass legislation implementing valid treaty commitments on certain matters otherwise reserved to the States.

Objection: U.S. citizens already enjoy the rights guaranteed by international human rights conventions. The United States, therefore, has no need to ratify such conventions.

Response: Although international human rights conventions generally specify standards already observed in the United States, the United States has an interest in seeing that they are observed by as many countries as possible. The United States cannot effectively urge other countries to adhere to such conventions without doing so itself. The United States would be in a stronger position to promote the goals of human rights in the world community if it ratified international human rights conventions.

Why the United States Should Ratify International Women's Rights Conventions

The basic rights guaranteed by the international women's rights conventions are often taken for granted in the United States, but they are not taken for granted everywhere. In fact, they are very much at issue in many countries of the world. By ratifying these conventions, the United States can help give international effect to fundamental rights which U.S. women enjoy.

Ratification also will put the United States in a better legal and moral position to protest infringement of these rights in countries that may have ratified the conventions but have failed to put them into practice. Further, ratification will increase U.S. influence in the continuing international process of setting legal standards in the field of women's rights. So long as the United States fails to ratify international women's rights conventions, its views on this issue will carry less weight than they deserve.

The report of the President's Commission for the Observance of the 25th Anniversary of the United Nations put it effectively and succinctly:

> The United States would be in a far stronger position to play its historic role as champion of international rights and take a leading part in consideration of alleged violations of international standards if it ratified the instruments it has helped to develop.

Media Committee[65]

Guidelines for the Treatment of Women in the Media and Checklist for the Entertainment Programming and Advertising Industries[66]

The IWY Commission recommends to all media the adoption and implementation of the following Guidelines for the Treatment of Women in the Media. Further, the Commission recommends to the entertainment programming and advertising industries the adoption and implementation of the following Checklist for the Portrayal of Women in Entertainment Programming and Advertising.

GUIDELINES FOR THE TREATMENT OF WOMEN IN THE MEDIA

The media have enormous impact on the formation and reinforcement of behavior and attitudes. When women are constantly portrayed in stereotyped ways, these images affect their lives and their aspirations. Increasingly during the last year or so, women have become more concerned about the limiting portrayal by the media:

Women are rarely represented accurately in radio, television, newspapers, magazines, film, entertainment programming, and advertising.

Despite progress in some areas, news relating to women is still very seriously underreported.

When women's activities are covered they are usually segregated, subordinated, or ridiculed.

Women constitute only 25–35 percent of all people working in the media and only 5 percent of the media's policymakers.

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[65] IWY Commission members: Patricia T. Carbine, Chair; and Alan Alda, Margaret Long Arnold, Helen K. Copley, Richard Cornuelle, Honorable Winfield Dunn, Casey Eike, Katharine Hepburn, and Lenore Hershey. Public members: Dr. Donna Allen, publisher, *Media Report to Women;* Midge Kovacs, National Organization for Women; Kathryn C. Pelgrift, Vice President of Planning, Columbia Broadcasting System.

Staff members: Kathleen Bonk and Pamela Curtis.

[66] Recommendation approved by Media Committee Feb. 27, 1976; by IWY Commission same date.

Studies of media practices demonstrate that these problems are universal. A variety of women's groups has painstakingly analyzed media output—locally, regionally, and nationally. Their research substantiates a distorted portrayal and lack of news coverage of women. Public television is not significantly better than commercial television. Licensed media are no better than unlicensed media. Network programming is no better than local programming, etc.

It is important to acknowledge, however, that some progress is being made in the effort to change women's image in the media. The media's awareness of the problems is increasing and some representatives are taking steps to improve.[67] Style books are being revised and employment practices modified. And increasingly women's perceptions of themselves are changing, as myths about women's presumed limitations are being discredited. Still, the work is far from over. In spite of advances that have been made, women are not yet presented by the media in a representative fashion.

The consequences of a distorted image of women by the media are serious and farreaching. The average school girl spends more time watching television than she spends in the classroom. Her models, her perceptions of her potential are heavily influenced. She is reminded repeatedly of presumed faults and limitations. In the same way, the self-image even of adult women can be shaken or reinforced by what they read and see. Media distortion is more than academically interesting. It can do immediate, serious psychic damage to the women and men who are exposed to it. It is the means by which an archaic destructive image of women becomes self-perpetuating.

Increasingly, the law is acknowledging women's rights to fair treatment in employment. Elsewhere in its report, the IWY Commission has recommended that necessary changes can be accomplished by rigorous enforcement of law or by amended administrative procedures, particularly for licensed media. But most of what needs to be done is beyond the law's proper reach. The Media Committee believes in the independence of the press. But it believes that the media should use this essential independence more responsibly and accurately in their treatment of women.

In that spirit, the committee offers to the media 10 guidelines or minimum standards of fairness and accuracy in the treatment of women. The committee further recommends a checklist of particular relevance to the entertainment and advertising communities.

The first two media guidelines relate to employment, and they are basic. The next three guidelines call for the enlargement of the media's definition of how news relates to women and to the desegregation of its presentation. The last five guidelines call for changes which the Committee believes managements can immediately incorporate into operating policy.

In establishing these guidelines, the Committee acknowledges the interrelationship of sex and race discrimination and recognizes that women cannot work to eliminate one while acquiescing in the other.

The Ten Guidelines

1. The media should establish as an ultimate goal the employment of women in policymaking positions in proportion to their participation in the labor force. The media should make special efforts to employ women who are knowledgeable about and sensitive to women's changing roles.

2. Women in media should be employed at all job levels—and, in accordance with the law, should be paid equally for work of equal value and be given equal opportunity for training and promotion.

3. The present definition of news should be expanded to include more coverage of women's activities locally, nationally, and internationally. In addition, general news stories should be reported to show their effect on women. For example, the impact of foreign aid on women in recipient countries is often overlooked, as is the effect of public transportation on women's mobility, safety, and ability to take jobs.

4. The media should make special, sustained efforts to seek out news of women. Women now figure in less than 10 percent of the stories currently defined as news.

5. Placement of news should be decided by subject matter, not by sex. The practice of

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[67] The Media Committee takes particular note of "Guidelines for Equal Treatment of the Sexes in McGraw-Hill Book Company Publications." New York: McGraw-Hill Book Company, 1975.

segregating material thought to be of interest to women only into certain sections of a newspaper or broadcast implies that news of women is not real news. However, it is important to recognize and offset an alarming trend wherein such news, when no longer segregated, is not covered at all. Wherever news of women is placed, it should be treated with the same dignity, scope, and accuracy as is news of men. Women's activities should not be located in the last 30–60 seconds of a broadcast or used as fillers in certain sections or back pages of a newspaper or magazine.

6. Women's bodies should not be used in an exploitative way to add irrelevant sexual interest in any medium. This includes news and feature coverage by both the press and television, movie and movie promotion, "skin" magazines and advertising messages of all sorts. The public violation of women's physical privacy tends to violate the individual integrity of all women.

7. The presentation of personal details when irrelevant to a story—sex, sexual preference, age, marital status, physical appearance, dress, religious or political orientation—should be eliminated for both women and men.

8. It is to be hoped that one day all titles will be unnecessary. But in the meantime, a person's right to determine her (or his) own title should be respected without slurs or innuendoes. If men are called Doctor or Reverend, the same titles should be used for women. And a woman should be able to choose Ms., Miss, or Mrs.

9. Gender designations are a rapidly changing area of the language, and a decision to use or not to use a specific word should be subject to periodic review. Terms incorporating gender reference should be avoided. Use firefighter instead of fireman, business executive instead of businessman, letter carrier instead of mailman. In addition, women, at least from age 16, should be called women, not girls. And at no time should a female be referred to as "broad," "chick," or the like.

10. Women's activities and organizations should be treated with the same respect accorded men's activities and organizations. The women's movement should be reported as seriously as any other civil rights movement; it should not be made fun of, ridiculed, or belittled. Just as the terms "black libbers" or "Palestine libbers" are not used, the term "women's libbers" should not be used. Just as jokes at the expense of blacks are no longer made, jokes should not be made at women's expense. The news of women should not be sensationalized. Too often news media have reported conflict among women and ignored unity. Coverage of women's conferences is often limited solely to so-called "splits" or fights. These same disputes at conferences attended by men would be considered serious policy debates.

CHECKLIST FOR THE PORTRAYAL OF WOMEN IN ENTERTAINMENT PROGRAMMING AND ADVERTISING

There are problems in presenting women in the media that need special correction beyond enlarging an obsolete definition of news or updating style books. Recognizing the unique creative problems in the development of entertainment programming, the committee has drawn up a checklist of questions to be used by writers, directors, producers, and others, including actors and actresses. This checklist is also directed to sponsors of commercial advertising messages and to the agencies that create them:

1. Are the women you portray shown as whole people or as weak and confused and dependent upon male strength, courage, and inventiveness? Do exceptions seem to be abnormal?

2. Do you look for ways to show women in roles that are not stereotypically defined (for example, judges, doctors, telephone line workers, police, and armed services personnel?)

3. Are you writing leading parts for women?

4. Is the exploitative "women as victim" theme the main entertainment value of your piece? Is she the hapless object of brutalizing forces? Does she make things worse by making panicky choices? Would the piece work just as well if a man were in her shoes?

5. If a rape is shown, is it dealt with as a basically sexual experience, which it is not, or as a physical assault, which it is?

6. Are women presented as appealing because they are "cute," uninformed, or manipulative?

7. Do you show men responding positively to strong independent women, just as you show women who respond to men who have those qualities?

8. In a scene involving men and women, who

does all the talking, speculating, problem solving? Do the women stand by and pour coffee, offering emotional support, or do they take an active part in the proceedings?

9. Are the women in a crisis portrayed as emotional or irrational?

10. If a woman has an idea, plan, solution or proposal, does she apologize first or expect to be taken at face value?

11. Are unmarried women usually presented as incomplete or inadequate?

12. Does your work reflect the fact that some women occasionally rescue men—not only emotionally but also physically?

13. When a woman takes action that reflects self-esteem, does she do so as a result of her own insight or must she rely on the paternal guidance of a man?

14. Do the women you portray, have good, open friendships with other women, or do they reflect the old-fashioned stereotype that women are competitive and distrustful with each other?

15. Are the women, as you portray them in drama or advertising, excessively concerned with clothes and appearance, whereas the men are presented as achieving good grooming effortlessly?

16. Are the women you portray, especially in advertising, obsessive about shiny floors, clean ovens, good tasting coffee, and sparkling laundry to the exclusion of mature human values? Are homemakers portrayed with dignity?[68]

No checklist or set of guidelines can insure that misconceptions about women are not perpetuated. This will require conscious, sustained efforts to change fundamental attitudes. The World Plan of Action, adopted at the United Nations Conference for International Women's Year, recognizes the responsibility of the media in creating this essential change:

> A major obstacle in improving the status of women lies in public attitudes and values regarding women's roles in society. The mass communication media have great potential as a vehicle for social change and could exercise a significant influence in helping to remove prejudices and stereotypes, accelerating the acceptance of women's new and expanded roles in society, and promoting their integration into the development process as equal partners.

HEW Study To Determine the Impact of Television on Sex Discrimination and Sex-Role Stereotyping[69]

The IWY Commission recommends that the President, through the Secretary of Health, Education, and Welfare, direct the Assistant Secretary for Health to commence a major study to determine the impact of television programming and advertising on sex discrimination and sex-role stereotyping in the American society.

Background

The power of the broadcast media to influence the American society has long been recognized. There are approximately 112 million television sets in the United States in 65.8 million homes (94 percent of all homes), and the average American home watches television for 6 hours and 49 minutes per day—or approximately 2,400 hours per year. This means that the average person between their second and 64th year will watch 9 full years of television.[70]

Americans receive more education from television than from their elementary and high school educations. For example, during an average year, a junior high school student attends school 980 hours and watches television 1,340 hours. By the time she or he graduates from high school, the student will have spent roughly 11,000 hours in the classroom and more than 15,000 hours in front of a television set consuming more than 350,000 commercial messages.

The President's Commission on the Status of Women, at a consultation on March 19, 1963, asked representatives of the communications industry for advice on (a) actual portrayal of women by the mass media; (b) what new needs of American women the mass media can help meet; and (c) how well women are achieving full occupational opportunity in communications—in broadcasting, the press, magazines, and films. A participant of the President's Commission of 1963 noted that:

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[68] The Commission supports the recommendations of the National Advertising Review Board's study, *Advertising and Women*, released Mar. 1975.

[69] Recommendation approved by Media Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[70] Nick Johnson, *How To Talk Back To Your Television Set*. New York: Bantam Books, 1970, p. 11.

> ". . . women are presented in an unrealistic way. They seem to be typically in the middle-income groups, subservient to the male who earns the money. Women are never portrayed as a serious partner or breadwinner. You never see creative women in politics or as working mothers. So I know there is a big distortion from reality."[71]

There is still evidence that the image of women on television is severely one-dimensional and harmful to the development of a woman's full potential.[72] Ten years after the President's Commission report, *Redbook* magazine reported that 74 percent of the women polled in their survey agreed with the statement: "The communications media (for example, television and the press) degrade women by portraying them as sex objects or mindless dolls."[73] Obviously, many of the problems concerning the image of women in the mass media still exist.

In the past few years many studies have been done on the image of women in the media. Invariably these studies conclude with the same statement—not enough data has been collected on the impact of television on sex-role stereotyping or the image of women. For example, an article recently published in *Journal of Communication* concluded:

> The vast majority of sex-role research as it relates to the mass media has been content studies. Busby suggested five additional types of research that need to be applied to sex-role imagery. They are: cultural analysis, control analysis, audience analysis, media analysis, and effects analysis.[74]

Such a study would require financial and staff resources which most universities or independent researchers do not have.

In January 1972, the Surgeon General issued a report on violence and children's television[75] which was based on 23 independent research projects and more than 40 technical papers. Jessie Steinfeld, the former Surgeon General, stated: "These studies . . . make it clear to me that the relationship between televised violence and antisocial behavior is sufficiently proved to warrant immediate remedial action."[76] The report has given groups such as Action for Children's Television important data on the effects on children of violence on television. Congress, television networks, and consumer groups have become increasingly sensitive to the issue, and remedies have been proposed to reduce the amount of televised violence.

Unfortunately, the concern for sexism on television does not match the concern for televised violence. To date, research has analyzed the sex-role content of television; however, little data is available on the effects of watching sexism on the airwaves.

U.S. Commission on Civil Rights Hearings on the Impact of the Mass Media on Women[77]

The IWY Commission recommends that the United States Commission on Civil Rights hold hearings on the impact of the mass media on women.

Background

The U.S. Commission on Civil Rights (USCCR) is a temporary, independent, bipartisan agency established by Congress in 1957 to (a) study and collect information concerning legal developments constituting a denial of equal protection of laws under the Constitution; (b) appraise Federal laws and policies with respect to the denial of equal protection of the laws; and (c) serve as a clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, national origin, or sex. In carrying out its functions, the

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[71] President's Commission on the Status of Women, "Consultation on the Portrayal of Women by the Mass Media," Wash., D.C.: U.S. Government Printing Office, 1963.

[72] Linda Busby, "Sex Role Research on the Mass Media," *Journal of Communication*, University of Pennsylvania, vol. 25, no. 4, 1975.

[73] "How do You Feel About Being A Woman"—the results of a *Redbook* questionnaire, *Redbook* magazine, Jan. 1973, p. 11.

[74] Busby, *op. cit.*

[75] *Television and Growing Up: The Impact of Televised Violence.* Report to the Surgeon General, U.S. Public Health Service from the Surgeon General's Scientific Advisory Committee on Television and Social Behavior. Wash., D.C.: U.S. Government Printing Office, 1972.

[76] J. L. Steinfeld, "TV Violence Is Harmful," *Readers Digest*, Apr. 1973, pp. 37–45.

[77] Recommendation approved by Media Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

USCCR holds hearings and submits reports, findings, and recommendations to the President and Congress.

The USCCR recently held hearings on affirmative action in higher education and school desegregation in Boston. As of January 1976 the USCCR had held only one hearing on sex discrimination.[78]

USCCR hearings on the impact of the mass media on women and minorities could provide a forum for obtaining the perceptions of a wide range of the public, including professional, industry, and public interest groups. Over the past 5 years numerous reports and studies have been conducted by independent researchers, by the broadcast and advertising industries, and by performers' unions.[79] The data and information contained in these reports, many of which are unpublished or have been reproduced in professional journals that are not well known, have never been collected in a readily available format. Hearings by the USCCR could not only serve as a clearinghouse for information already obtained but could also assist social scientists and government policymakers in further determining what research should be conducted on this important subject, especially with regard to sexism and racism.

Federal Communications Commission Adoption of Nondiscrimination Standards and Affirmative Action Procedures in Employment[80]

The IWY Commission recommends that the President, pursuant to the purposes of section 715 of title VII of the 1964 Civil Rights Act (42 U.S.C. 2000e), which directs agencies and departments to insure consistency in equal employment programs, urge the Federal Communications Commission (FCC) to adopt the nondiscrimination standards of the Equal Employment Opportunity Commission and the affirmative action procedures of the Office of Federal Contract Compliance Program of the Department of Labor.

Background

The FCC was created by Congress under the Communications Act of 1934 to regulate interstate and foreign communications in the public interest. The FCC began operating on July 11, 1934, as an independent regulatory agency headed by seven commissioners appointed by the President.

The scope of the FCC's regulating authority includes licensing radio and television broadcasters, monitoring telephone, telegraph, and cable operations, and satellite communications. During license renewal periods (of radio and television stations), the FCC reviews a licensee's files to determine whether it has lived up to its obligations and to the promises it made in obtaining permission to use the public airwaves.

In 1967 the Office of Communications of the United Church of Christ (UCC) petitioned the FCC for a rule asking that "no license be granted to any station which engages in discrimination in employment practices on the basis of race, color, religion, or national origin." Subsequently, the FCC set forth Nondiscrimination Practices of Broadcast Licenses,[81] stating that discriminatory employment practices by broadcast applicants are incompatible with operation in the public interest, and that a mass media service to the public interest standard "clearly parallels the Federal policy in contract awards."

On June 6, 1969 (nearly 2 years after UCC's original petition), the FCC adopted formal rules[82] which require all licensees to adopt affirmative action programs. In 1970, the FCC adopted an additional rule requiring every licensee with five or more employees to file a Form 395 and an annual employment profile. In 1970, the National Organization for Women (NOW) petitioned the FCC for amendments to the equal employment opportunity rules to require stations to develop equal employment opportunity programs for women. The FCC

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[78] Hearings on Women and Poverty before the U.S. Commission on Civil Rights, Chicago, Ill., 1974.

[79] *Journal of Communications*, Annenberg School of Communications, University of Pennsylvania, spring 1974.

[80] Recommendation approved by Media Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[81] FCC Docket No. 18244, FCC 68-702.

[82] "Report and Order" 18 FCC 2d 240 (1969).

EMPLOYMENT IN THE BROADCASTING INDUSTRY BY JOB CATEGORY: 1974*

	Total	*Non-minority male*	*Minority male*	*Total male*	*Non-minority female*	*Minority female*	*Total female*
Officials and managers	23,333	18,882 (80.9%)	1,092 (4.8%)	19,974 (85.7%)	3,004 (12.8%)	355 (1.5%)	3,359 (14.3%)
Professionals	33,071	25,288 (76.5%)	2,833 (8.5%)	28,121 (85.0%)	4,172 (12.7%)	778 (2.3%)	4,950 (15.0%)
Technicians	23,393	20,354 (87.0%)	2,380 (10.1%)	22,734 (97.2%)	532 (2.3%)	127 (0.5%)	659 (2.8%)
Sales	12,572	10,177 (80.9%)	650 (5.1%)	10,827 (86.1%)	1,621 (12.8%)	124 (0.1%)	1,745 (13.9%)
Sub-total	92,369 **(77.2%)	74,701 (81.0%)	6,955 (8.0%)	81,656 (88.4%)	9,329 (10.0%)	1,384 (1.0%)	10,713 (11.6%)
Office/clerical	21,248	1,571 (7.4%)	692 (3.3%)	2,263 (10.7%)	15,703 (73.9%)	3,282 (15.4%)	18,985 (89.3%)
Crafts	2,874	2,315 (80.6%)	365 (12.7%)	2,680 (93.3%)	162 (5.6%)	32 (1.1%)	194 (6.7%)
Operatives	1,543	1,098 (71.2%)	309 (20.0%)	1,407 (91.2%)	112 (7.3%)	24 (1.5%)	136 (8.8%)
Laborers	261	121 (46.4%)	124 (47.5%)	245 (93.9%)	12 (4.6%)	4 (1.5%)	16 (6.1%)
Service	1,291	490 (37.9%)	601 (46.6%)	1,091 (84.5%)	84 (6.5%)	116 (9.0%)	200 (15.5%)
Sub-total	27,217 **(22.8%)	5,595 (20.5%)	2,091 (7.8%)	7,686 (28.3%)	16,073 (59.0%)	3,458 (12.7%)	19,531 (71.7%)
Total	119,586	80,296 (67.1%)	9,046 (7.6%)	89,342 (74.7%)	25,402 (21.2%)	4,842 (4.1%)	30,244 (25.3%)

* Source: Federal Communications Commission, Apr. 1975.

** Percentage of grand total.

adopted these amendments, which were effective February 1972.[83]

Proposed guidelines to implement the 1968 rules were released for comment by the FCC on July 25, 1975.[84] As of January 1976, the FCC had not issued final guidelines. These proposed guidelines fail to meet the standards of the Equal Employment Opportunity Commission,[85] which enforces title VII of the 1964 Civil Rights Act, and the Office of Federal Contract Compliance (CFR) programs of the Department of Labor,[86] which enforces Executive Order 11246, as amended. For example, the FCC's proposed guidelines do not prohibit employers from discriminating against women because of pregnancy, as do the guidelines of the EEOC. In addition, the FCC fails to require licensees to include in their EEO programs essential elements such as a comprehensive utilization analysis, narrowly defined job classifications, applicant and promotion flow data, and information on wages and salaries.

Federal Communications Commission Hearings on Discrimination in Employment[87]

The IWY Commission recommends that the Federal Communications Commission grant a hearing on the issue of employment discrimination whenever a challenger to a licensee shows that the Equal Employment Opportunity Commission finds cause to believe that the licensee has violated title VII of the 1964 Civil Rights Act.

Background

Television and radio stations operate under broadcast licenses granted to them by the Federal Communications Commission (FCC) for a 3-year period. During that time, they are required under the Communications Act of 1934 to operate in the public interest.[88] At the end of 3 years, when a license expires, stations must reapply to the FCC for license renewal. Section VI of a station's license renewal application requires licensees to submit to the FCC the station's Equal Employment Opportunity program.

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[83] See FCC Report and Order in Docket No. 19296, Dec. 17, 1971.

[84] FCC Report and Order Docket No. 20550.

[85] 29 CFR 1604, 1605, 1606, and 1607.

[86] 41 CFR 60-2.

[87] Recommendation approved by Media Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[88] For additional information, see "Public and Broadcasting, rev. ed.," Procedural Manual, Federal Communications Commission. *Federal Register*, Sept. 5, 1974, vol. 39, no. 173. Wash., D.C.

Women and minority groups as petitioners may oppose a television or radio station's application for renewal on the basis of employment discrimination by filing a formal complaint, called a petition-to-deny license renewal. Petitioners usually request the FCC to hold a hearing on the merits of such a complaint.

When an employment discrimination complaint is filed with a petition-to-deny, the FCC refers these complaints to agencies with primary jurisdiction over such complaints. A majority of these complaints are sent to the Equal Employment Opportunity Commission (EEOC), which has the authority under title VII of the Civil Rights Act of 1964 to investigate the complaint, report on the investigation findings, and take legal action (file suit), should the EEOC find discrimination. If the EEOC finds discrimination, the agency issues a final reasonable cause finding.

The EEOC has a 200,000-complaint backlog. Though it investigates complaints and makes determinations regularly, it rarely files suit against employers with fewer than 150 employees.[89] The FCC has indicated that it will take cognizance of any final determination by the EEOC when it considers a license renewal application. However, the FCC has never defined what stage of the EEOC's complaint processes it considers to be a final determination.

According to the U.S. Commission on Civil Rights:

> .if the FCC took action (i.e., ordered a hearing in a case) on the basis of an EEOC reasonable cause decision, it would be supportive of EEOC's administrative authority and hopefully induce companies to conciliate (or comply with title VII). On the other hand, for the FCC to adopt the posture of awaiting the outcome of a lawsuit before acting is extremely favorable to the licensee, since a court will either reject EEOC's position or issue an injunction ordering the company to take specific action.[90]

Thus the licensee will never be subject to any adverse action by the FCC unless it refuses to obey a court order.

By not ordering a hearing on a petition-to-deny after the EEOC issues a reasonable cause finding, the FCC develops standards which conflict significantly with those of the EEOC.[91] The EEOC standards, which have received widespread acceptance by Federal courts, apply also to virtually all broadcasters. Broadcasters who are thus faced with inconsistent Federal requirements more often than not do nothing. Many have relied on FCC standards in the mistaken belief that they will be in compliance with the requirements of title VII.

For example, the FCC has failed to adopt EEOC's position on sex discrimination, discriminatory tests, and the development of remedial goals and timetables. More significantly, the FCC has refused to adopt title VII standards on burden of proof and on the evidentiary value of statistical disparities in the employer's workforce. The courts have consistently adhered to the position of the EEOC that such statistical disparities shift the burden of proof to the employer to come forward with evidence of nondiscrimination.

By not ordering a hearing on a reasonable cause finding, the FCC creates a "Catch-22" situation. Petitioners are unable to obtain discovery (internal information) on a case until the FCC designates a hearing; however, under the FCC's present standards on employment discrimination, petitioners cannot obtain from the station adequate employment data (salary information, hires, fires, and applicant flow, etc.) to prove discrimination which justifies the FCC in holding a hearing. Petitioners have only the information available to them after the EEOC investigates a case.

The FCC has continued to embrace a view of employment discrimination which always gives the procedural advantage to the broadcaster. The agency's deviance from title VII law was recently emphasized by the EEOC as amicus curiae on behalf of the National Organization for Women (NOW) before the U.S. Court of Appeals for the D.C. Circuit. The EEOC concluded:

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[89] Nearly 95 percent of the broadcast stations have fewer than 150 employees.

[90] *The Federal Civil Rights Enforcement Effect—1974: To Regulate in the Public Interest*, A Report of the United States Commission on Civil Rights, Nov. 1974, p. 30.

[91] See *Albermarle Paper Co. v. Moody*, 43 USLW 4880 (June 24, 1975) and *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).

> . . .it is clear that the standard which has evolved from the F.C.C.'s interpretation is unrealistic, unworkable, and no longer serves the F.C.C.'s original purpose of eliminating employment discrimination among its licensees in order to ensure their operation in the public interest. Moreover, it is a standard wholly inconsistent with the standards of proof which the courts have adopted in interpreting title VII of the Civil Rights Act of 1964. Since the F.C.C. patterned its equal employment opportunity regulations on the requirements of title VII. . .this growing divergence between title VII and F.C.C. standards not only creates confusion but also reduces the pressure on broadcasters to bring their employment practices into conformity with title VII.[92]

The FCC has a statutory obligation to determine how a licensee's employment practices bear on the licensee's character and ability to operate in the public interest. Accordingly, the FCC should devise an approach whereby it will order a hearing on the merits of the case if the EEOC or another compliance agency makes a reasonable cause finding on a petitioner's allegation of employment discrimination.

Establishing an Office of Equal Employment Opportunity in the Federal Communications Commission[93]

The IWY Commission recommends that the Federal Communications Commission establish an Office of Equal Employment Opportunity which shall be directly responsible to the Chair of the Commission and which should assist the FCC in prescribing rules applicable to equal employment opportunities within the FCC and to entities which are licensed by the FCC and in implementing and enforcing such rules.

Background

Under its present structure, the FCC has three offices with Equal Employment Opportunity responsibilities—the Industry Equal Employment Opportunity Unit under the General Counsel's Office (two employees); the recently organized Equal Employment Opportunity Unit under the Broadcast Bureau's Renewal and Transfer Division (three employees); and the Internal Employment Unit (two employees). These three offices clearly cannot handle the responsibilities of the FCC for enforcing equal employment practices among nearly 9,000 radio and television licensees.

Therefore, it is necessary that the FCC establish a single Equal Employment Opportunity Office which would have an increased staff and the authority to coordinate the agency's civil rights compliance program.

Establishing a Women's Advisory Committee to the Federal Communications Commission[94]

The IWY Commission recommends that the Federal Communications Commission establish a Women's Advisory Committee, directly responsible to the Commissioners, to meet with the Commissioners at least twice a year. The advisory committee will be made up of representatives of organizations and groups and individuals concerned with improving the status of women.

Background

As of January 1976, the Federal Communications Commission has six men and one woman who serve 7-year terms. Their appointments are on a bipartisan basis, and the Commissioners normally serve for more than one term. Each Commissioner has a subject area for which she or he has certain responsibilities. For example, Commissioner Benjamin L. Hooks has equal employment opportunity responsibilities and Commissioner Charlotte T. Reid has responsibilities for developments in cable television. The FCC under its present structure could easily establish a women's advisory committee by inviting women—groups and organizations as well as individuals—to the FCC on a regular basis for input on the operations of the agency.

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[92] Brief for the United States Equal Employment Opportunity Commission as Amicus Curiae at 18, *NOW New York Chapter* v. *F.C.C.* no. 74–1853 (D.C. Cir. Appeal filed July 24, 1975.

[93] Recommendation approved by Media Committee Jan 9, 1976; by IWY Commission Jan. 16, 1976

[94] Recommendation approved by Media Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

A precedent for such a committee is the Advisory Council of National Organizations (ACNO) to the Corporation for Public Broadcasting, which is made up of over 45 national organizations.[95] Recently ACNO proposed a "Definition of Women's Programming" that developed into a comprehensive study of women in public broadcasting. In addition a variety of local broadcast stations have established women's advisory councils that have proved beneficial to the stations as well as to the participating organizations. Such a committee advising the FCC could monitor the FCC's progress in combating sex discrimination in employment, encouraging women's ownership of stations, and implementing the FCC's existing rules and regulations.

Opening Meetings of the Federal Communications Commission to the Public[96]

The IWY Commission recommends that the Federal Communications Commission open to the public each of its regularly scheduled meetings at which official action is taken. This would enable women to participate more fully in the deliberations of the Commission.

Background

Section 5(e) of the Communications Act of 1934[97] established regular meetings for the FCC. The FCC has a policy of closing its official meetings to the public. This policy makes it difficult for women's organizations to monitor adequately the activities of the FCC.

Insuring that Executive Order 11246, as Amended, Be Enforced with Respect to Communications and Motion Picture Industries[98]

The IWY Commission recommends that the President direct the Secretary of Labor to enforce Executive Order 11246, as amended, with respect to all communications and motion picture industries over which the Office of Federal Contract Compliance Programs (OFCCP) has delegated jurisdiction to the General Services Administration (GSA). Specifically, GSA should establish a task force, *composed of at least 50 percent women in all job classifications*, to review annually 25 percent of the Federal contractors covered under SIC[99] 483 and SIC 78.

Background

Executive Order 11246 prohibits discrimination in employment on the basis of race, creed, color, or national origin and requires government contractors (with contracts of $50,000 or more and 50 or more employees) to take affirmative action on equal employment. In 1967, sex was added as a prohibited discrimination. This Executive order, as amended, mandates the Secretary of Labor to administer and oversee an extensive program to eliminate employment discrimination by government contractors.[1]

The Secretary of Labor has delegated authority for carrying out the Executive order to the Director of the Office of Federal Contract Compliance Programs (OFCCP) within the Department of Labor. The Director of OFCCP has, pursuant to the Executive order, delegated some authority to contracting Federal agencies to enforce contract compliance regulations.[2]

In 1969, a system was developed which assigned compliance responsibility for supply and service contractors, based on classification by industry.[3] GSA was assigned full responsibility for monitoring all contractors in the communications and motion picture industries (SIC 483 and SIC 78).

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[95] ACNO was established in 1972 by the Corporation for Public Broadcasting to give national support and advice to the board on the public needs and interests of public broadcasting.

[96] Recommendation approved by Media Committee Jan. 9, 1976; by IWY Commission Jan. 16, 1976.

[97] 47 CFR Part O.

[98] Recommendation approved by Media Committee Jan. 20, 1976; by IWY Commission Feb. 27, 1976.

[99] Standard Industrial Code.

[1] Executive Order 11246, Part II, secs. 201, 202, 203; Part III, sec. 301, 3 CFR, 1964–65 Comp., pp. 340, 341.

[2] 41 CFR sec. 60–1.46 (1974).

A review of GSA's files on compliance activities found that although in 1971 and 1972 GSA instituted several reviews of media contractors, it has not conducted followup reviews nor reviewed additional facilities since 1972. It appears, therefore, that few Federal contractors in the communications and motion picture industries are currently being reviewed. GSA seems to review annually only 10–20 percent of the industries under its entire jurisdiction, which covers 23 additional major industries.[4]

Women's Media Institute[5]

The IWY Commission endorses the idea of establishing a Women's Media Institute, a nongovernmental center where research on changing the image and status of women in the media would be initiated, and where proposals for action in this field would take form. The Commission urges that State conferences, through workshops on the media, illuminate the specific problems a Women's Media Institute could help resolve.

Background

The Media Committee acknowledges the role all media play in helping women to realize their full human potential. It concludes that the problems involved in changing the image and status of women in the media are complex and ongoing. It believes that its recommendations to the media could mark the beginning of a continuing process of positive change. But the committee recognizes the urgent necessity of establishing a single body that will be ever alert to media practices and will call for changes as it sees needed.

Insuring Reimbursement of Attorney Fees in Cases Which Could Help To Eliminate Sex Discrimination[6]

The IWY Commission recommends that the Justice Department review all laws prohibiting sex discrimination and propose revisions to allow the reimbursement of attorney fees to the prevailing party in any action or proceeding brought under these laws for the purpose of eliminating sex discrimination.

Background

A conflict has developed on the question of reimbursing legal fees for civil rights and public interest litigation. On the one hand, the Supreme Court in its decision in *Alyeska Pipeline Service Co.* v. *Wilderness Society* (May 12, 1975), brought to a halt a desirable trend in the Federal courts toward awarding attorney fees in public interest cases. In *Alyeska,* the court held that the Federal courts could not award attorney fees to successful plaintiffs in public interest matters without express authorization from Congress. This ruling could have a detrimental effect on the development of litigation brought under laws that prohibit sex discrimination but do not provide specifically for reimbursement of attorney fees (as in title IX of the 1972 Education Amendments). On the other hand, some laws prohibiting sex discrimination, such as title VII of the Civil Rights Act of 1964, do include provisions for fees.

Federal policy on this matter should be consistent. The appropriate way of resolving this conflict is for the Department of Justice to review all laws prohibiting sex discrimination and to propose a remedy making reimbursement of attorney fees the prevailing public policy.

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[3] 41 CFR sec. 60–1.6(b) (c) (e) (1974).

[4] *The Federal Civil Rights Enforcement Effort—1974 Volume V To Eliminate Employment Discrimination.* A Report of the United States Commission on Civil Rights, July 1975, p. 272.

[5] Recommendation approved by Media Committee, Feb. 26, 1976; by IWY Commission Feb. 27, 1976.

[6] Recommendation approved by Media Committee Feb. 27, 1976; by IWY Commission Feb. 27, 1976.

Rape Recommendations[7]

Changes in the Laws on Sexual Assault[8]

The IWY Commission recommends that State legislatures and municipal governments review those portions of their criminal codes and case law dealing with rape and related offenses, and where necessary revise them to:

- **Enumerate graduated degrees of the crime of sexual assault, with graduated penalties depending on the amount of force or coercion occurring with the activity;**
- **Redefine the crime to apply to both sexes and to include oral and anal contact and use of objects;**
- **Redefine the crime to include spouses as victims;**
- **Enlarge beyond traditional common law concepts the circumstances under which the act will be considered to have occurred without the victim's consent;**
- **Specify that the past sexual conduct of the victim can be introduced into evidence only after having been adjudicated relevant, out of the presence of the jury and the public; and**
- **Require no more corroborative evidence than is required in the prosecution of any other type of violent assault, including a prohibition against using the Hale instruction (see below) where it has been required by law or is customary.**

Introduction

Under traditional common law concepts, which are the basis for most statutory and case law relating to rape, it is necessary to prove unlawful carnal knowledge (penetration however slight) of the victim by the alleged assailant without the consent of the victim. Unlike other crimes, the prosecution must prove that the victim did not consent; the past sexual history of the victim can be introduced as evidence of consent as well as to impeach (undermine) her credibility; and the testimony of the victim must be corroborated (substantiated) by the evidence.

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[7] Because no special committee was assigned to this important subject, the IWY Secretariat was instructed to prepare the recommendations on rape, which were then adopted by the IWY Commission by mail ballot in Mar. 1976.

[8] This recommendation does not deal with statutory rape, that is, rape of a very young person where consent of the victim is not a defense.

These special requirements result in few convictions and in court experiences that are often as traumatic for the victim as the rape itself. Because the victim does not want to subject herself to the assault of her character that inevitably results, rape often is not reported.

Some States have laws requiring judges to instruct the jury as prescribed by a 17th century jurist, Lord Chief Justice Matthew Hale: "Rape is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent." In order to overcome the suspicion with which the victim's word is viewed, the law developed extraordinarily exacting standards to view her testimony. The leading modern authority on evidence, Charles Wigmore, justifies the requirement of corroboration as follows:

> . . .Modern psychiatrists have amply studied the behavior of errant young girls and women coming before the courts in all sorts of cases. Their psychic complexes are multifarious, distorted partly by inherent defects, partly by diseased derangements or abnormal instincts, partly by bad social environment, partly by temporary physiological or emotional conditions. One form taken by these complexes is that of contriving false charges of sexual offenses by men. The unchaste (let us call it) mentality finds incidental but direct expression in the narration of imaginary sex incidents of which the narrator is the heroine or the victim. On the surface the narration is straightforward and convincing. The real victim, however, too often in such cases is the innocent man; for the respect and sympathy naturally felt by any tribunal for a wronged female helps to give easy credit to such a plausible tale.
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> No doubt any judge of a criminal court and any prosecuting attorney can corroborate this with instances from his own observation. But the lamentable thing is that the orthodox rules of evidence in most instances prevent adequate probing of the testimonial mentality of a woman witness, so as to reveal the possible falsity of such charges. Judging merely from the reports of cases in the appellate courts, one must infer that many innocent men have gone to prison because of tales whose falsity could not be exposed.[9]

In recent years women's organizations have heard testimony from women victims on their treatment by the entire law enforcement system, including their treatment by hospitals and the medical profession. Dismayed by the evidence presented, the organizations have interviewed law enforcement officials and relevant medical personnel, reviewed available statistics on the crime, and studied the development of the law. They have discovered that police officers, psychiatrists, and sociologists agree with what has long been known to victims, that rape is a crime of violence and hostility. It is not a product of the fantasies of "errant young girls."

As a result they have made recommendations for "normalizing" the crime of rape by treating it as other crimes of violence. They have put pressure on State legislatures to revise the laws and have been successful in bringing about substantial changes in a number of States.

This committee has studied a number of laws and bills and reports of several study groups. Particularly useful have been the section on sex offenses in S.1, the Administration bill to codify, revise, and reform the U.S. Criminal Code; the revisions made in the Michigan Code by Public Act No. 266 of 1974; S.2698 and H.R. 11210, companion bills to impose mandatory minimum terms for certain violent offenses; the 1962 Model Penal Code of the American Law Institute; *Against Our Will* by Susan Brownmiller, a book tracing the effect of rape on the development of societal mores; and the 1974 Report of a District of Columbia City Council Task Force regarding rape and rape victims in the District of Columbia.

The following are brief statements of the reasons for the recommended changes in the law.

Degrees of the Crime and Penalties

Beginning with the Model Penal Code of 1962, all authoritative proposals for revision have included graduated degrees of sexual assault with a scale of penalties suited to the various degrees. These include the Final Report of the National Commission on Reform of Federal Criminal Laws of 1971, Michigan Public Act No. 266 of 1974, and S.1 of the 94th Congress, a bill to codify, revise, and reform title 18 of the Code.

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[9] 3A Wigmore, *Evidence*, sec. 924a (Chadbourn, rev. 1970) as cited in Babcock, Norton, and Ross, *Sex Discrimination and the Law: Causes and Remedies*, Boston: Little, Brown and Company, 1975, p. 856.

With a traditionally limited definition and severe penalties such as death or life imprisonment, convictions for the crime of rape are generally acknowledged to be low. One probable explanation is that the "very extremity of the penalties has prevented their genuine enforcement, and that, in turn, has reduced the deterrent effect of the criminal sanction."[10] The law must be altered to reflect more of reality if it is to be respected and enforced.

Where it is not possible to secure graduated degrees of sexual assault, it would be desirable to have a broad range of penalties for sexual assault crimes with enough latitude to permit discretionary sentencing, based on presentencing investigations.

Redefinition of the Crime

The common law defines rape as penetration of the vagina by the penis. Same-sex rapes are usually not covered nor are sexual acts by men under the coercion of women. Other sexual crimes, such as sodomy, are usually treated under different provisions of the law. Yet, in more than 25 percent of all reported rapes there is also some form of forced fellatio, cunnilingus, or sodomy.[11] In some States use of an object for sexual assault is not included in the definition of the crime. It should be.

The emphasis traditionally has been on one type of sexual assault rather than on a general recognition of the crime of violence that virtually all sexual assaults represent.

In line with the modern legal trends regarding the equality of the sexes, the IWY Commission recommends combining rape and other "sexual" crimes of violence into one category of crime which applies to all such crimes regardless of the sex of the attacker or the victim. S.1 and the new Michigan law, for example, so provide.

Spouses as Victims

The common law definition of rape excludes wives. There has been great reluctance to include spouses as victims, probably because of the difficulty of establishing that the assault was against the will of the spouse. However, all the proof required in other types of assault would be required, and plaintiffs would as a practical matter need enough evidence to prove beyond a reasonable doubt that all the elements of the crime existed, after overcoming a presumption of innocence in the minds of the jurors. Including this provision in the law would probably result in conviction in only the most aggravated cases.

Including spouses as victims would be in harmony with other criminal statutes, such as the assault statutes under which wives can charge husbands with assault or vice versa.

Enlarging Traditional Concepts Regarding Lack of Consent

Forcible rape is the only violent crime in which the victim's state of mind is an element of the case; that is, she has to prove that she was not a willing participant in the alleged activity. Where strong evidence of physical force or coercion exists, the standard is sometimes (but not always) satisfied. However, when force is only threatened or "casually" applied or the presence of a weapon intimidated the victim to submit, serious problems in securing convictions arise in most States. It is generally necessary to prove that a hypothetical reasonable person similarly situated would be in actual fear of death or severe bodily injury. Threats of lesser injury or future retaliation or even kidnapping are usually not sufficient reason for submission. In other words, consent of the victim is presumed until proven otherwise, and only extraordinary evidence of physical brutality is considered by most juries as evidence of lack of consent.

A woman traditionally has been trained to be passive and submissive in our society. Yet, the underlying concept of rape laws ignores a woman's socialization. Unless there is evidence that she rejected years of submissive training and fought until suffering brutal physical injury, it is presumed that the victim consented. If she resisted but did not suffer "enough" physical abuse, it is presumed that the victim consented.

In drawing the comparison between expected reactions of rape victims to their attackers as opposed to victims of similar crimes, Sharyn Campbell of the District of Columbia Commission on the Status of Women emphasized:

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[10] Babcock, *Sex Discrimination and the Law*, p. 863.

[11] Amir, *Patterns in Forcible Rape*, 1971, as cited in Camille Le Grand, "Rape and Rape Laws: Sexism in Society and Law," *61 California Law Review*, 1973, p. 923.

> "The woman who fails to resist rape due to shock or fear of additional harm is often made to feel guilty about the crime by law enforcement agents, juries, and society in general. She is made to be ashamed of the fact that she was raped as if it were a matter within her control. Yet how many people struggle to avoid the effects of violent crimes if they see a gun or knife at their throat? *It is only in connection with rape that a crime victim is expected to put up a struggle.* [Italics supplied.] It is only in connection with rape that a woman is expected to fight to prove her lack of consent. The burglary victim is permitted to fear a deadly weapon and to offer no resistance. The rape victims should be accorded the equal right to react to fear and danger.[12]

Reasonable rules of evidence for proving nonconsent plus a law that allows for fear as well as force are needed; for example, fear of bodily harm, fear of death, fear of harm to children or others, etc.

The law should include wording to permit a showing of nonconsent when the nonconsenting party's resistance was overcome by fear. The Michigan law includes in section 520 (c) circumstances under which resistance would be overcome by fear.

Evidence of Past Sexual Conduct

In most jurisdictions the sexual history of a victim may be introduced at a rape trial to support the defendant's claim of consent. The rationale is that prior sexual conduct of the victim is relevant because an "unchaste" woman, that is, one who previously consented to sexual intercourse, is more likely to have consented to sexual activity.

The Douglas County (Kansas) Rape Victims' Support Service stated the problem well in their report:

> Our work has given us ample opportunity to find out how victims react after an assault. Consistently we have found reluctance to prosecute or even to report an assault because victims believe that the advantages of seeking help from the criminal justice system are outweighed by the disadvantages. Already having been subjected to the humiliation of the sexual assault it is then often too much for the victim to face the further humiliation of having her previous sexual conduct scrutinized by the court.[13]

To continue to admit evidence of reputation and/or prior acts of consensual intercourse in an open courtroom is to perpetuate the situation rape victims fear as much as the rape—the humiliation and the violation of their right of privacy. This situation can be altered without violating the rights of the defendant. It must be altered if we hope to encourage victims to exercise their right to utilize the criminal justice system.

There are several approaches in modern reform law that should be considered. They provide for those situations where prior sexual conduct may be relevant; for example, the prior sexual conduct between the victim and the defendant. California, Iowa, Michigan, Minnesota, and Nebraska, have recently modified their rules of evidence in an attempt to remedy this situation. H.R. 10850, a bill to codify, revise, and reform title 18 of the United States Code also proposes strong limitations on the admissibility of a victim's sexual history.

Corroboration

If a man is walking down the street and a weapon is flashed and his wallet is removed, he is not required to produce a witness to the crime. Nor is he required to show evidence of a bullet wound acquired in the defense of his wallet to prove lack of consent. However, a victim of sexual assault in a small number of States and the District of Columbia still must substantiate her word with extraordinary amounts of evidence, not only as to the occurrence of the sexual assault but also as to the fact that it occurred without her consent.

The proposed Federal Criminal Code Reform Act (S.1) recommends elimination of the corroboration requirement:

> Although questions of credibility in rape cases are commonly critical, there seems no reason why the traditional protection of the reasonable doubt standard is not adequate to safeguard the rights of the accused. Rape victims should be treated as are victims of any other crime. The nature of sexual offenses is such that they are often carried out in a

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[12] District of Columbia City Council Task Force on Rape, "Report and Proposals Regarding Rape and Rape Victims in the District of Columbia," 1974, p. 26; 14th and E Sts., N.W., Wash., D.C. 20004.

[13] Testimony of the Douglas County Rape Victims' Support Service before the Kansas House Judiciary Committee, Jan. 22, 1976; 2104 West 15th St., Lawrence, Kan. 66044.

> clandestine manner so that traditional kinds of corroboration (e.g., eyewitnesses) will not normally be available. The willingness of many courts to apply the corroboration requirement with extreme liberality manifests the undesirability and artificiality of attempting to reduce an issue of credibility to a fixed rule.[14]

In addition, statutes recently enacted in Florida, Iowa, and Michigan specify that the testimony of the rape victim need not be corroborated, and Minnesota and Texas also have recently enacted modifications of the corroboration requirement. Only a few States retain the requirement.

Organization of Task Forces To Investigate and Suggest Changes Regarding the Treatment of Rape Victims

The IWY Commission recommends that women concerned with treatment of rape victims organize task forces in local communities where such task forces do not exist. The task forces should include representatives from the police, hospitals, and prosecutor's office if possible. Such task forces might

- **Review the law, police practices, medical procedures, and procedures in prosecutors' offices;**
- **Recommend changes as needed;**
- **Mobilize public support for change; and**
- **Establish rape crisis centers for the support of victims.**

Background

Until recent years, public attitudes with respect to rape, the law, police practices, medical practices, and the attitudes of prosecutors combined to make post-rape experiences more traumatic than rape. The social climate in which most of us have been reared assumed that only women who asked for it got raped and that many charges of rape were false. Many women in the women's movement, particularly the young women, have been questioning all of the preconceived notions about rape, and in a large number of cities women seeking reform have organized task forces to bring about change. The Center for Women Policy Studies, under contract with the Law Enforcement Assistance Administration, identified 136 such groups and conducted more than 60 on-site investigations.

The center studied these projects and in their report, commonly referred to as *Rape and Its Victims*,[15] made recommendations as to how women might organize themselves as effective agents of change. Among the functions such groups have performed are:

1. Educating the public to dispel myths about the nature of sexual assault and disseminating information about prevention tactics and resistance;
2. Bringing about improvement in the attitudes of the police by convincing the department officials of the need for the careful selection and training of officers who will interview rape victims;
3. Convincing local officials that the costs of medical treatment of victims of sexual assault should be borne by the city;
4. Convincing the medical profession and hospital administrators that rape victims must be sensitively handled and establishing the use of rape examination kits in hospitals to facilitate the gathering of evidence from the rape victims;
5. Bringing about reorganization of prosecutors' offices where necessary so that the victim need not repeat her story any number of times and so that sexual assault cases would not remain a low priority item;
6. Providing crisis intervention counseling and long-term support for victims of sexual assault;
7. Encouraging mental health professionals to develop specialized knowledge for counseling sexual assault victims of all ages;
8. Convincing news media to cover rape stories sensitively and not to print the names of victims of sexual assault.

Help in organizing such task forces can be found in the LEAA Report, "Rape and Its

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[14] U.S. Senate, Judiciary Committee, Report on the Criminal Justice Reform Act of 1975, 94-00, Section 1641, U.S. Government Printing Office, Wash., D.C. 20402, 1975, p. 598.

[15] Center for Women Policy Studies, *Rape and Its Victims: A Report for Citizens, Health Facilities and Criminal Justice Agencies*, Law Enforcement Assistance Administration (LEAA), Box 24036, Wash., D.C. 20024.

Victims".[16] The book lists on-going projects with addresses, several bibliographies, and relevant film strips.

National Center for the Prevention and Control of Rape

The IWY Commission recommends that the Secretary of the Department of Health, Education, and Welfare (HEW) give high priority to establishing and implementing the National Center for the Prevention and Control of Rape as mandated and outlined in Part D of title III of the Health Revenue Sharing and Health Services Act of 1975, Public Law 94–63.

Background

According to "Rape and Its Victims,"[17] the purposes of the National Center for the Prevention and Control of Rape include

> Establishing a research and demonstration program to explore the causes, consequences, prevention, treatment, and control of rape. The center would investigate the:
>
> 1. Effectiveness of existing Federal, State, and local laws dealing with rape;
> 2. Relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;
> 3. Treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors, and the courts;
> 4. Causes of rape, identifying to the degree possible social conditions that encourage sexual attacks, motivations of offenders, and the impact of the offense on the victim and the family of the victim;
> 5. Sexual assaults in correctional institutions;
> 6. Actual incidence of forcible rape as compared to the reported cases and the reasons for not reporting rapes;
> 7. Effectiveness of existing education and counseling programs designed to prevent and control rape.
>
> It would be the duty of the center to report to Congress annually, through the Secretary of Health, Education, and Welfare (HEW), on the progress of this study and research and demonstration projects, and to make recommendations where appropriate. The center would develop and maintain a clearinghouse for information on the prevention and control of rape, the treatment and counseling of the victims of rape and their families, and the rehabilitation of offenders. The center would also compile and publish training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.
>
> In addition, the center would make grants to community mental health centers, nonprofit private organizations, and public agencies to conduct research and demonstration projects concerning the control and prevention of rape. Projects funded would include but not be limited to alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, and treatment and counseling of the victims of rape and their families, and the rehabilitation of offenders.

The Administration did not request any funding for this badly needed program. The House HEW–Labor Appropriations Subcommittee recommended $2 million to establish the center, substantially lower than the $7 million authorized by the Health Revenue Sharing Act (Public Law 94–63). Originally, the Senate HEW–Labor Appropriations Subcommittee recommended that no funds be made available, but Senator Charles Mathias of Maryland, the principal sponsor of the original bill, introduced a floor amendment for $4 million, which passed on the floor of the Senate. A compromise of $3 million was struck in conference committee.

On January 23, 1976, the Administration requested recision of certain appropriations in the First Supplemental Appropriations Act, including the center's funding. If the request for recision is not granted within 45 legislative days, the $3 million will become available for the creation, organization, and implementation of the center.

When and if these funds become available, the IWY Commission recommends that the Secretary of HEW take steps to see that the National Center for the Prevention and Control of Rape is established and promptly staffed.

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[16] *Ibid.*

[17] *Ibid.*, p. 275.

Reproductive Freedom Committee[18]

PREFACE

The IWY Committee believes that the moral decisions relating to reproduction are rightfully the responsibility of individual women and that every woman, regardless of her economic circumstances, education, race or ethnic origin, age, rural or metropolitan residence, is entitled as a basic human right to have readily available the means of controlling reproduction. The IWY Commission:

- Supports the series of Supreme Court decisions guaranteeing reproductive freedom to women;[19]
- Urges all branches of Federal, State, and local governments to give the highest priority to complying with these Supreme Court decisions and to making available all methods of family planning to women unable to take advantage of private facilities;
- Condemns any interference, open or subtle, with a woman's right to control her reproduction; and
- Urges organizations concerned with improving the status of women to monitor how government complies with these principles.

RECOMMENDATIONS

Family Planning Services[20]

The IWY Commission affirms the fundamental right of all women to the information and means necessary to control, voluntarily and freely, the number and spacing of their children. The Commission heartily endorses those statements in the World Plan of Action adopted in Mexico City acknowledging

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[18] IWY Commission members: Gerridee Wheeler, Chair; Casey Eike, Paula Gibson, and Ellen Groves Kirby. Public members: Hon. Aloha Eagles, State Legislator from North Dakota; E.D. Bond Martin, medical student; Daren Mulhauser, Executive Director of National Abortion Rights Action League; Cory Richards, Alan Guttmacher Institute, Planned Parenthood Federation; and Dr. Juliette Simmons, psychiatrist. Staff member: Anne Tennenbaum.

[19] *Griswold* v. *Conn.* 381 U.S. 479, 85 S.Ct. 1678, 14 L.Ed.2d 510. *Eisenstadt* v. *Baird* 405 U.S. 438, 92 S.Ct. 1029, 31 L.Ed.2d 147. *Roe* v. *Wade* 410 U.S. 113, 93 S.Ct. 756, 35 L.Ed.2d 147. *Doe* v. *Bolton* 410 U.S. 179, 935 S.Ct. 739 35 L.Ed.2d 201.

[20] Recommendations approved by Reproductive Freedom Committee Nov. 17, 1975; by IWY Commission Dec 5, 1976. Also endorsed by Committee on Enforcement of the Laws.

> "the exercise of this right is basic to the attainment of any real equality between the sexes, and without it women are disadvantaged in their attempt to benefit from other reforms."

It is recognition of this fact and of the fact that access to such means and information necessary for voluntary fertility control are not now universally available to all women in the United States that form the basis of the recommendations on family planning services.

The health consequences of unwanted and mistimed childbearing have been amply demonstrated. They are especially serious for the young and the poor for whom pregnancy is inherently more risky, as well as for their children whose chances of birth defects, mental retardation, and other long term handicapping conditions are greatest.[21] At the same time, the health and social benefits of family planning have been convincingly shown. In fact, recent research now indicates that the timing and spacing of births and the number of children born into a family are probably the most influential determinants of maternal, infant, and even long term family health.[22]

A substantial number of births to American women are still "unwanted" or "mistimed," and the rate of unwanted fertility, despite recent advances, is still widely disproportionate among the various age, social, and economic groups in the nation.[23] While the United States fertility rate[24] has declined in recent years to record lows, the absolute number of births continues to rise due to a marked increase in the number of American women of childbearing age.[25]

Providing voluntary family planning services to all those who want and need them has been the official, stated goal of the U.S. Government since 1971.[26] That goal was to have been reached by this year,[27] but current realities belie the government's good intentions. Nearly 20 percent of low- and moderate-income women—some 5,500,000 across the country—are still without access to such services.[28] Also, those services which do exist are unevenly distributed. These services are available to three-fourths of low-income women from large metropolitan areas but to fewer than half of those living in rural areas and small towns.

Project Grants for Family Planning

The bulk of Federal support for family planning services is in the form of project grant funds under title X of the Public Health Service Act of 1975. Title X projects offer to the poor and near-poor the full range of family planning services, including contraception, sterilization, and infertility services on a voluntary, confidential, and noncoercive basis. Significantly, these services are in many cases virtually the only source of preventive health care for low- and marginal-income American women—such services as blood-pressure testing, cancer screening, venereal disease detection, and many other routine diagnostic medical services.

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[21] Several recent studies have examined the health consequences of unwanted and mistimed childbearing, particularly among the very young. Among them are:

H.P. David, "Unwanted Pregnancies: Costs and Alternatives," *Demographic and Social Aspects of Population Growth*, The Commission on Population Growth and the American Future, 1972;

J.A. Menken, "Teenage Childbearing: Its Medical Aspects and Implication for the United States Population," *Demographic and Social Aspects of Population Growth*, The Commission on Population Growth and the American Future, 1972;

D. Nortman, "Parental Age as a Factor in Pregnancy Outcome and Child Development," *Reports on Population/Family Planning*, no. 16, August 1974.

[22] E. Siegel and N. M. Morris, "Family Planning: Its Health Rationale," *American Journal of Obstetrics and Gynecology*, 118:995, 1974.

[23] According to the 1970 National Fertility Study conducted by the Office of Population Research at Princeton University, 15 percent of American births are reported by their parents as not having been intended at all ("unwanted") and 29 percent are reported as "mistimed." Unwanted fertility among blacks and the poor has dropped in recent years but is still 27 percent among blacks as opposed to 13 percent among whites.

[24] General fertility rate: number of births per 1,000 women of childbearing age (15–44) as defined by Zero Population Growth, Inc.

[25] The increase in the number of American women of childbearing age is a result of the post-World War II "baby boom" (1946–57) and may be expected to continue for some time. The National Center for Health Statistics of DHEW predicts a 12 percent increase in the number of women in this age group by 1980.

[26] For a brief history of the Federal Government's policy with regard to family planning services, see Report (No. 94–192) by the House Committee on Interstate and Foreign Commerce accompanying the Health Revenue Sharing and Health Services Act of 1975, now Public Law 94–63.

[27] According to the first Five Year Plan for Family Planning Services, issued in October 1971, as mandated by the Family Planning Services and Population Research Act of 1970 (Public Law 91–572). For further information on the Five Year Plan, see House Report, 94–192 cited above.

[28] *Ibid.*

Despite these facts as well as the fact that subsidized family planning services have been shown to save the government more than twice what it expends for them in the following year alone,[29] Federal support for the Nation's family planning efforts is far below the level needed to accomplish stated Federal goals. The Reproductive Freedom Committee deplores the facts that the level of support for family planning project grants is only one-fourth that recommended by the Commission on Population Growth and the American Future;[30] and that the Administration in 1976 proposed a further cut of 21 percent.

The IWY Commission recommends that Congress and the Administration reaffirm support on a long-term and continuing basis for the Nation's family planning program, especially unter title X of the Public Health Service Act, and provide the program with the resources necessary to attain its goals. At a minimum, the Commission recommends that the Congress immediately appropriate, and that the Department of Health, Education, and Welfare (HEW) allocate, the full amount authorized for the title X program under Public Law 94–63 (the Health Revenue Sharing and Health Services Act of 1975).

Third Party Reimbursement for Family Planning Services

In addition to project grant awards under title X of the Public Health Services Act, family planning services are reimbursed under title XIX (Medicaid) and title XX (Social Services) of the Social Security Act. Although authorizing legislation for both programs does mandate services to the poor, and each carries a 90 percent Federal matching rate to the States, neither program has been maximally utilized for various reasons. Medicaid utilization has been hampered because some of the States still will not certify clinics as Medicaid "vendors" (i.e., will not reimburse them at all), and other States reimburse clinics at rates unrealistically low in comparison with those offered private physicians and hospitals. HEW's Social and Rehabilitation Service (SRS), which administers the Medicaid program at the Federal level, has offered to States little direction or encouragement in this regard, thus largely negating the incentive of the preferential match.

The title XX program, largely because of its higher family income ceiling and recently mandated planning process at the State planning level, offers the hope of expanded Federal services.[31] But current HEW regulations again will have the practical effect of preventing maximum utilization.

Most serious is the Federal requirement that all patients provide documentation of their income eligibility.[32] Because confidentiality, even within the family, is often central to accepting family planning services, this requirement will have the effect of preventing many women from receiving services. This is especially true of those "minors who can be considered to be sexually active," specifically targeted in the legislation for special attention.[33] Studies indicate that the cost of processing the income documentation will be enormous and will require discontinuing many patients from the case load.[34]

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[29] F. S. Jaffe, "Short-Term Costs and Benefits of United States Family Planning Programs," *Studies in Family Planning*, vol. 5, no. 3; Mar. 1974.

[30] See Report of the Commission on Population Growth and the American Future, "Family Planning Services" (chap. 11), March 1972:

"The Commission recommends ...providing additional authorizations to reach a federal funding level of $225 million in fiscal year 1973, $275 million in fiscal year 1975 and $400 million thereafter."

[31] Congress has repeatedly taken the initiative since 1967 to strengthen the provision of family planning services under the social services program (titles IV-A, XX) of the Social Security Act. In addition to offering a preferential 90 percent Federal matching rate to the States, the Social Security Act now requires that:

1. Family planning services, including medical services and supplies, be "offered" and "provided" to all eligible persons:
2. They be provided "promptly"; and
3. They be provided to "minors who can be considered to be sexually active."

[32] The final HEW title XX regulations, published June 27, 1975, state as follows:

Sec. 228.71 Determination of eligibility

(d) The determination process. No determination shall be made solely on the basis of the application. Applications for services based on income maintenance status shall be supported by documentation or ascertained from the appropriate source of income maintenance benefit or payment. Applications based on income status shall be supported by documentation of significant current family monthly gross income as defined in sec. 228.66.

Furthermore, the requirement may, in fact, be illegal; it could effectively prevent the title XX program from doing what Congress mandated it to do: offer and promptly provide family planning services to all eligible persons.

The IWY Commission recommends that:

1. State health and welfare agencies take whatever action is necessary to remove existing barriers to maximum utilization of title XIX (Medicaid) and title XX (Social Services) reimbursements for family planning services.

2. The President direct HEW's Social and Rehabilitation Service (SRS) to issue regulations forthwith providing the States all possible encouragement and assistance toward this end, including the assignment of adequate staff for the purpose of providing Federal technical assistance and program monitoring.

3. The documentation of income eligibility requirement now mandated under the title XX program be modified or waived. This could be done either by administrative or Congressional action, to enable voluntary family planning services to be offered and accepted under that program on a confidential basis.

Family Planning Services for Teenagers

Despite some advances in recent years, teenagers' access to family planning services are still limited economically, socially, and in some cases legally.[35] Yet research indicates that premarital sexual activity is not only becoming increasingly common, but also that it is beginning at increasingly younger ages.[36]

Currently, about one-third of reported, legal abortions—perhaps 300,000 annually—are performed on women under age 20. At the same time, there were more than 600,000 births to teenagers in 1973, or one-fifth of all children born that year. Especially troublesome is the fact that the steady increase in the teenage birthrate over the last several years is attributable entirely to the youngest mothers; while birthrates for older teenagers have stabilized or dropped, those for adolescent ages, 14 to 16, have risen dramatically.[37] For example, the National Center for Health Statistics (HEW) reports that whereas in 1965 the number of registered live births to girls under the age of 15 was 7,768, in 1975, the figure rose to 12,861.

The Reproductive Freedom Committee acknowledges and respects the variety of existing moral and ethical perspectives on premarital and teenage sexual activity, but feels strongly that to prevent unwanted teenage childbearing and reduce abortion utilization, sexually active young people must be guaranteed ready access to voluntary family planning services and information on a confidential basis.

The IWY Commission recommends that all Federal, State, and local governing bodies:

1. Take whatever action is necessary to remove existing legal, economic, and social barriers to family planning services for teenagers and young adults.

2. Develop adequately financed programs to implement delivery mechanisms appropriate and sensitive to teenagers and young adults.

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[33] Twenty-nine percent of all patients now enrolled in organized family planning programs are under age 20, according to The Alan Guttmacher Institute's *Data and Analyses for 1975 Revision of DHEW Five-Year Plan for Family Planning Services.* Obviously, a considerable number are in title XX programs, of whom perhaps three out of four are not married. The family income which must be documented, therefore, is largely their father's or mother's or both.

[34] The University of Texas, which has over 40,000 patients enrolled and serves 25,000 each year, has estimated that the cost of administering the income-documentation requirement will amount to $625,400, or $25 per patient per year, while the cost per patient per year of providing the actual services is only $85. This will require, according to the Texas study, the discontinuation of 5,600 patients from the caseload.

[35] For existing legal barriers, see E.W. Paul, H.R. Pilpel, and N.F. Weschler, "Pregnancy, Teenagers and the Law, 1974," *Family Planning Perspectives*, vol. 6, no. 3, Summer 1974.

[36] J.F. Kantner and M. Zelnick, "Sexual Experience of Young Unmarried Women in the United States," *Family Planning Perspectives*, vol. 4, no. 4, Oct. 1972, and J.F. Kantner and M. Zelnick, "Contraception and Pregnancy: Experience of Young Unmarried Women in the United States," *Family Planning Perspectives*, vol. 5, no. 1, Winter 1973. (These findings were supported by A.M. Vener and C.S. Stewart in their study, "Adolescent Sexual Behavior in Middle America Revisited: 1970–1973," *Journal of Marriage and the Family*, Nov. 1974.)

[37] National Center for Health Statistics (DHEW), *Vital Statistics of the United States—Natality*, 1965 through 1973.

These must include education, counseling, and followup services, as well as informed consent to any clinical care given.

3. Establish programs to inform adolescents and young adults of the services available to them with special emphasis on the confidentiality of those services.

4. Establish programs in States to monitor aggressively the family planning services for teenagers and young adults in federally financed health and social programs such as Medicaid (title XX); the early and periodic screening, diagnosis, and treatment programs; neighborhood health centers; and all family planning projects.

Abortion Services[38]

Although Reproductive Freedom Committee members hold varying personal views on some aspects of abortion and agree that abortion should not be considered a primary method of family planning, it is their unanimous opinion that abortion services must be available legally in hygienic medical facilities. The committee was impressed by the following quotation which thoughtfully expresses the moral, religious, and deeply personal considerations the committee recognized in discussing the issue of abortion:

> When talking about abortion, one must distinguish between the morality of action and the morality of a law about that action. The rightness or wrongness of an abortion, per se, is not the same as the rightness or wrongness of a law that would prohibit abortion altogether. One might believe that abortion is wrong, and at the same time, maintain that laws prohibiting abortion are also wrong, without being morally inconsistent.[39]

Freedom to follow the dictates of human conscience, as well as the need for and right to privacy in the exercise of one's most personal civil rights, formed the criteria upon which the committee based all its recommendations. The committee feels that among a woman's most fundamental liberties are those pertaining to her reproductive health care. Furthermore, it recognizes that during the 1960's, hundreds of thousands of women sought illegal abortions each year, often with the risk of death or severe physical and emotional complications. The public health benefit of legal as opposed to illegal abortion is most dramatic.[40]

For these reasons abortion must be removed from the realm of criminal law, and the right of women to make this decision—in consultation with physicians and others with whom they choose to consult—must be affirmed. It is in this spirit that the committee supports the Supreme Court decisions of 1973.

Proposals for constitutional amendments and legislative measures that restrict the availability of abortion services are inconsistent with generally accepted interpretations of constitutional law.[41] According to the U.S. Commission on Civil Rights, these proposals conflict with

1. The 1st amendment which protects freedom of religion and speech. These measures would give governmental sanction to one set of

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[38] Recommendations approved by Reproductive Freedom Committee Nov. 17, 1975; by IWY Commission Dec. 5, 1975.

[39] Elizabeth Hanes Main, "Options," published by the Religious Coalition for Abortion Rights, vol. 2, no. 1, Mar. 1975.

[40] The National Academy of Sciences issued a study, *Legalized Abortion and the Public Health* (May 1975) which documents the sharp decline in the total number of deaths related to abortion after the 1973 decisions.

Risks of maternal death associated with legal abortion are low—1.7 deaths per 100,000 first trimester procedures in 1972 and 1973—and less than the risks associated with illegal abortion, full-term pregnancy and most surgical procedures. The 1973 mortality rate for full term pregnancy was 14 deaths per 100,000 live vaginal deliveries. . . . For second trimester abortions, the combined 1972–1973 mortality ratio was 12.2 deaths per 100,000 abortions.

On the psychological effects of abortion, the report says:

While abortion may elicit feelings of guilt, regret or loss in some women, these reactions tend to be temporary and appear to be outweighed by positive life changes and feelings of relief.

[41] In 1973 the United States Supreme Court ruled in *Roe* v. *Wade* 410 U.S. 113 (1973) that, within defined limitations, the States have a legitimate interest in protecting the life and health of the pregnant woman as well as the potentiality of human life.

1. For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's physician.

2. For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

3. For the stage subsequent to viability, the State, in promoting its interest in the potentiality of human life, may if it chooses, regulate, and even proscribe, abortion

(Continued)

moral and religious beliefs as to when life begins and would inhibit the free exercise of other views.

2. The 9th amendment which guarantees common law rights not enumerated in the Constitution. Proposed measures would abrogate these common law liberties guaranteed to American women when the Bill of Rights was adopted and which cannot be disparaged or denied by the government.

The 14th amendment which guarantees equal protection to financially disadvantaged women among whom racial and ethnic minority women are disporportionately represented. In addition, to prohibit abortion would infringe upon one's right to privacy which is protected by this amendment and which has been interpreted to include a woman's right to abortion.

Although IWY Commission members hold varying personal views on some aspects of abortion, the National Commission recommends that the President and Congress reject all proposals for constitutional amendments and other legislation that would deny or limit the option of legal abortion services. (Note: Rita Z. Johnston voted "no" and filed a minority opinion, see page 279. Congresswoman Margaret M. Heckler voted "no." Gilda B. Gjurich abstained.)

The committee recognizes the significance of the Defense Department announcement of September 17, 1975,[42] requiring military establishments to provide abortion services in compliance with the Supreme Court ruling rather than with State law and local practice. This regulation, which replaces an obsolete 1971 Presidential order, recognizes that State legislatures have passed laws in recent years that are not in compliance with Federal law.

The Commission recommends that Federal agencies follow the Defense Department precedent by insuring that legal abortion services are provided in compliance with the 1973 Supreme Court decisions.

A recent study documents the unequal geographic distribution of abortion services throughout the country.[43] Such inequities primarily affect rural and poor women. The Center for Disease Control in its May 1975 *Abortion Surveillance Reports* concludes:

The data (1973) indicates that at least among

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except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

In a companion decision, the Supreme Court ruled in *Doe* v. *Bolton* that the Georgia abortion law was unconstitutional and had procedural limitations that violated the 14th amendment. The procedural requirements declared unconstitutional are:

- Abortions must be performed in an accredited hospital;
- The procedure had to be approved by a hospital committee; and
- The performing physician's judgment had to be confirmed by independent examinations by two other physicians.

In addition, it was ruled that a residence requirement violated the Privileges and Immunities Clause of the Constitution by denying protection to persons who enter Georgia for medical services.

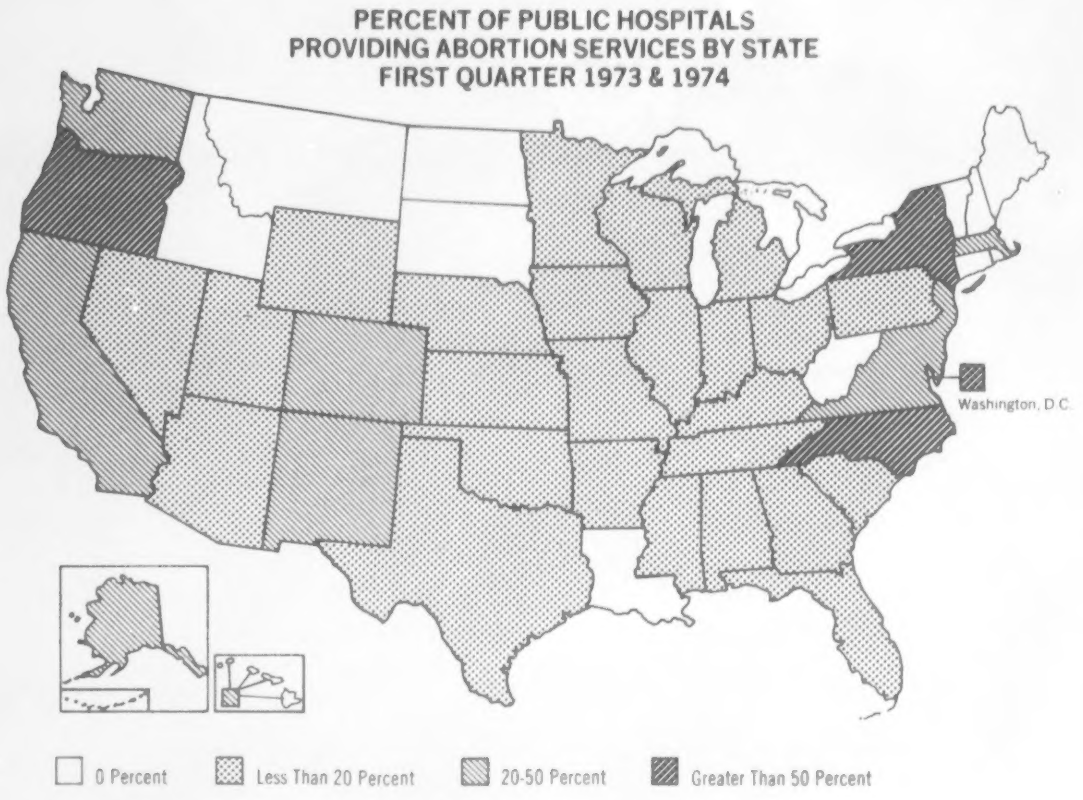
[42] The Defense Department policy on abortions in military facilities was clarified as follows: The Department of Defense has been restricted in its provision of services by a 1971 Presidential Order requiring Military Departments to provide abortion services in States only where such procedures are legal. In a memorandum released on September 17, 1975, the Department updated its policy so as to recognize the 1973 Supreme Court decisions:

> "It has recently come to the Department's attention that some military medical facilities continue to abide by the requirements of State statutes which fail to meet the foregoing Constitutional test (Supreme Court decisions). . . . It is not necessary to await a court decision invalidating a State statute which is clearly inconsistent with the principles enunciated by the Supreme Court."

[43] This study, prepared by the Alan Guttmacher Institute, research and development branch of the Planned Parenthood Federation of America, was released in Oct. 1975 and is a comprehensive study of nationwide abortion needs and services. The survey focuses on abortion needs and analyzes unmet needs by economic status, by States and cities, by age, and by source of health care.

Impetus for the study results from the fact that in 1974, the second year following the Supreme Court's decisions overturning restrictive State abortion laws, at least 400,000—and perhaps as many as 900,000—U.S. women who needed an abortion were unable to obtain one. This inequity has been suffered primarily by poor and rural women. In addition, 36 States and 189 metropolitan areas served fewer than one-third of their residents' needs while only five States and 20 metropolitan areas served more than two-thirds of their residents' needs.

All in all, "the response of existing health institutions in many areas to the legalization of abortion . . . was so limited as to be tantamount to no response at all," and "the availability and accessibility of abortion services remained very uneven." (Authors are Christopher Tietze, M.D., principal investigator for the study and Senior Consultant with the Population Council; Frederick S. Jaffe, co-investigator for the study and the Institute's president; Edward Weinstock, Ph.D., a senior planning associate of the Institute; and Joy G. Dryfoos, its director of planning.)



PERCENT OF PUBLIC HOSPITALS PROVIDING ABORTION SERVICES BY STATE FIRST QUARTER 1973 & 1974

some medically indigent groups, legal abortion may not be used exclusively as a replacement for illegal abortion and that the availability of legal abortion must be very broad indeed to undercut the use of criminal means.

This unfortunate maldistribution of service is due to several causes: State laws are often more restrictive than Supreme Court decisions. In addition, some States have passed laws requiring spousal or parental consent, most of which have been declared unconstitutional by Federal courts. Other States have imposed medical performance requirements not consistent with Federal law as defined in *Roe* v. *Wade*.[44]

The Commission recommends that all State governments bring their abortion laws into compliance with Supreme Court decisions.

Another reason for the woeful maldistribution of services is the difficulty of providing indigent women the same options as are provided more affluent women. In order that financially disadvantaged women have access to medically safe, legal abortion services, Federal programs should provide payment for maternity care and also should reimburse for pregnancy termination. Federal courts, in considering the constitutionality of State Medicaid plans, have, to date, ruled that States must provide Medicaid reimbursement for abortion services if they do so for other pregnancy-related services.

The Commission recommends that the Federal and State Governments fulfill their obligation to provide abortion services under title XIX (Medicaid) of the Social Security Act.

An additional major obstacle to the comprehensive provision of abortion services is indicated by the fact that only 15 percent of public hospitals (and 28 percent of private hospitals) provided abortion services during 1973 and the first quarter of 1974, even though State and Federal courts ruled that public hospitals have a legal obligation to provide them.[45] Also, some States and public health institutions have put into effect "conscience clauses" which enable hospitals to deny abortions to their patients if

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[44] *Roe* v. *Wade*, *op. cit.*

[45] See map on this page.

the abortion would violate the principles professed by that institution. Such a provision invests with moral conscience institutions with no religious affiliation and can result in refusing services which under Federal law must be provided.

The Commission recommends that Federal and State Governments require all health institutions receiving tax-generated revenue to offer comprehensive services for problem pregnancies, including abortion and appropriate counseling and referral.

Fertility-Related Research[46]

Background

Current methods of regulating fertility are inadequate because our knowledge of basic reproductive biology is inadequate. Until about 15 years ago, all contraceptive methods were based on the simple principle of preventing the meeting of sperm and egg in the Fallopian tube. The "rhythm method" was the first attempt to control fertility through an understanding of the hormonal aspects of the ovarian cycle and of the limited duration of egg survival. The rhythm method is complex in practice, and its efficacy is still in question.[47]

The oral contraceptive and the intrauterine device (IUD) revolutionized contraceptive practice. Today they remain the methods most acceptable to American women, used by an estimated 13 to 14 million. Yet even these sophisticated contraceptive methods have persistent and sometimes serious side effects,[48] and neither is completely safe.[49] Clearly, the nearly 45 million American women of childbearing age (15–44)—and an even greater number of men—need and deserve better forms of contraception: which is to say, a reasonable choice of methods that are safe, effective, inexpensive and easy to use; that are also reversible and require minimal medical supervision.

Our ignorance in these matters shows most clearly in a persistently high rate of unwanted and mistimed pregnancies.[50] Thousands of American women are still becoming pregnant each year even though using the most advanced methods available. The connection between inadequate contraceptive methods and the high rate of abortion is obvious.

Unwanted pregnancies however, are not the only consequence of our poor knowledge of basic reproductive biology. Our ability to solve problems of infertility, it must be stressed, is limited by precisely those same gaps in our knowledge that obviate effective contraception. The outcome of pregnancy for both mother and child (e.g., the prevention of mental retardation and of other congential handicapping conditions) depends on this same knowledge, or on the lack of it.

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[46] Recommendations approved by Reproductive Freedom Committee Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

[47] Luigi Mastroianni, Jr., "Rhythm: Systematized Chance-Taking," *Family Planning Perspectives*, vol. 6, no. 4, Fall 1974.

[48] The Report of the House Republican Task Force on Population Growth and Ecology (Pierre S. DuPont, Chairman), released in September of 1972, had this to say about problems with the pill and the IUD:

> . . . While the pill is the most popular method of contraception, more and more women abandon its use for a variety of reasons. The use of the pill is relatively expensive since it requires, besides continuous medication, periodic medical examinations and monitoring. Some women discontinue use for economic reasons. Women have also been discouraged because of the well-publicized evidence concerning the potentially dangerous or distressing side-effects of the drugs. Some women experience minor but disagreeable side-effects, such as nausea or weight gain. In addition, approximately 10–15 contraindications and possible side effects are associated with the oral contraceptive, some of which, such as thromboembolism, may be very serious. For all of these reasons, it has been found that 36%–58% of women who begin using the pill discontinue use within 18 months or must shift to another method.
>
> The IUD was thought to be the perfect form of contraception when introduced for general use. It was inexpensive and there was no problem of continuing application. Unfortunately, the IUD has proved disappointing. Problems with the IUD include inability to tolerate the device, resulting in spontaneous and sometimes undetected rejection and excessive vaginal bleeding. Women with existing medical problems related to the cervix or uterus often are advised that they cannot use this device. In total, 20%–35% of users abandon the IUD after 18 months of use and must look for an alternate method of contraception.

For further current information on these two methods of contraception, see the following articles from *Family Planning Perspectives:* Elizabeth B. Connell, "The Pill Revisited," vol. 7, no. 2, Mar./Apr. 1975; and Daniel R. Minshell, Jr., "Assessing the Intrauterine Device," vol. 7, no. 3, May/June 1975.

[49] As reported in the two studies cited above, 6 percent of all women who rely on oral contraception (approximately 10 million) will become pregnant in the first year of use, as well as 12 percent of those who rely on the IUD (3–4 million).

[50] Data from the 1970 National Fertility Study, as analyzed by Professor Norma B. Ryder of Princeton, show that 34 percent of all couples who want to prevent pregnancy altogether, and who are using contraception, will nonetheless have an unwanted conception within 5 years, 14 percent in the first year alone. An additional 25 percent of couples using contraception to delay a pregnancy wanted at a later time will also fail within 1 year.

The Federal Government's interest in the entire field of human reproduction and contraceptive development came about only recently, in 1968, when the Center for Population Research (CPR) was set up within the National Institute of Child Health and Human Development (NICHD). Prior to that time, perhaps because the whole area of fertility control was considered too sensitive for public initiative, pharmaceutical companies and private foundations supported the bulk of research in this field. It soon became clear, however, that private monies alone could not make up for the years during which this area was neglected in favor of other scientific and technological fields. It is unrealistic to expect private companies to continue to invest heavily in research from which they do not make a profit, and the types of simple and inexpensive contraceptives now needed do not offer the hope of large financial remuneration.

Inexcusably, the recommendations of five previous major commissions or committees, both Presidential and Congressional, which called for sizable increases in Federal support for fertility-related research, have been completely ignored.[51] Expenditures for our entire research effort in this area have not increased since 1973, and still total less than $50 million. That area includes not only basic research in the biology of reproduction and development of contraceptive techniques, but also vital monitoring and evaluation of these techniques, and social science research to understand the causes and effects of population growth, change, and distribution.

The Commission recommends that the Federal Government renew its commitment to increased fertility-related research and to the search for improved methods of contraception that are safe, effective, inexpensive, reversible, and would be available with minimal medical supervision. Specifically, the Commission recommends that a minimum of $100 million annually be appropriated and allocated for fertility-related research until the goals outlined above are attained. (Note: Rita Z. Johnston, Commission Member, abstained.)

Not only is the Government's financial commitment to fertility-related research insufficient, but also the organizational framework for conducting that research is inadequate. The Center for Population Research, established in 1968, remains a sub-unit of the NICHD, itself one of the 11 institutes of which the National Institutes of Health (NIH) is comprised. As such, the Center's program lacks the prestige to attract either the high level of funding[52] or the superior caliber of investigative talent[53] needed to meet its awesome responsibilities.

Fertility-related research programs must be both expanded and more adequately focused. They should be coordinated with research in those other areas of human development that are perinatally oriented—heredity and human genetic diseases; prenatal, maternal, and fetal health; and infant and child health. Such a "clustering" of related institutes could have important implications for further restructurings of the National Institutes of Health in order to achieve a multifaceted yet coordinated approach to various areas of scientific inquiry.

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[51] President Johnson's Commitee on Population and Family Planning recommended in 1968 for fertility-related research an annual funding level of at least $100 million. A committee appointed by (then) HEW Secretary Roger O. Egeberg in 1969 called for expenditures of $250 million by FY 1974. HEW's own "Five-Year Plan for Family Planning Services and Population Research" called for funding of $125 million by FY 1975. The Commission on Population Growth and the American Future, appointed in 1971 by President Nixon, recommended funding at "a minimum of $150 million" by that same year. The House Republican Task Force cited above (footnote 48) called for funding of $60 million for FY 1973.

[52] According to the House Republican Task Force (footnotes 48 and 51).

> . . . the submerging of the population research program within NICHD must lead to restrictive budgeting since any agency normally seeks to maintain equity among the programs falling under its administration. As a result, the population research program probably cannot continue to grow on its own without some commensurate growth in the other institute programs.

[53] In the HEW Five Year Plan for Family Planning Services and Population Research (Oct. 1971) cited above (footnote 51), (then) HEW Secretary Elliott Richardson said:

> . . . in spite of its transcendent importance to human existence, reproduction has received relatively little scientific attention. Even with today's concern for the population problem, the most talented of young investigators all too frequently seek other subjects.

The IWY Commission recommends that:

1. Specific appropriations authority be enacted to conduct the Nation's fertility-related biomedical and social sciences research program as supported by the Center for Population Research (CPR).

2. The Center be elevated to institute status.

3. The National Institutes of Health (NIH) be restructured so that this new institute can be organizationally aligned with comparable institutes conducting research in the related areas of heredity and human genetic diseases as well as in maternal, fetal, infant, and child health. (Note: Rita Z. Johnston, Commission Member, abstained.)

Sterilization[54]

The number of couples in this country who choose sterilization as a means of contraception has dramatically risen in recent years. According to the preliminary findings from the 1973 National Survey of Family Growth,

> "in 1973, more than 7 million women . . . were no longer at the risk of conception due to their own or their husband's sterility. More than 95 percent of these women either had had a sterilizing operation or had sterilized husbands. Since 1969 there have been approximately 3.8 million additional sterilizations, and this undoubtedly reflects at least a doubling in sterilizations between the years 1970 and 1973."[55]

Of the several kinds of sterilization procedures, the most common are vasectomies for men and tubal ligations (post partum and laparoscopic) for women. Because these procedures are permanent, legal safeguards should require that consent be truly voluntary, informed, and competent, and that persons who do not want to be sterilized are not coerced to use the procedure. Particularly since it is the poor and uninformed who are most often subjected to involuntary sterilization, the safeguards must be aggressively monitored.

In April 1974 HEW promulgated permanent regulations in compliance with court orders. The purpose was to establish the parameters of informed consent to sterilization for competent persons over the age of 21.[56] Informed consent is defined by these regulations as follows:

> . . . the voluntary, knowing assent from the individual on whom any sterilization is to be

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[54] Recommendations approved by Committee on Reproductive Freedom, Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

[55] William Pratt, "The Practice of Sterilization in the United States: Preliminary Findings from the 1973 National Survey of Family Growth," paper presented at the annual meeting of the Population Association of America, Seattle, Washington, Apr. 17–19, 1975.

[56] A brief history which leads up the April 1974 regulations is as follows:

In February, 1974, DHEW published in the Federal Register for the first time regulations governing sterilizations. (*Fed. Reg.*, vol. 39, no. 76, Apr. 18, 1974.) Those regulations were a response to the nationwide publicity about a number of cases of involuntary sterilization—especially the Relf case in which 12 and 14 year old black sisters were sterilized in Alabama in June 1973. (*Relf* v. *Weinberger*, 372 F. Supp. 1196 D.D.C., 1974.) The regulations were also HEW's answer to charges by legal and medical authorities that (a) doctors and hospitals frequently ignored ethical standards of informed consent, and that (b) many poor and minority women were being subjected to forced or coerced sterilizations on questionable medical or social grounds. The regulations issued in Feb. 1974 were immediately challenged by the National Welfare Rights Organization in Federal District Court for the District of Columbia, (*National Welfare Rights Organization* v. *Caspar Weinberger Civil Action No. 74–243, U.S. District Ct., District of Columbia, Mar. 15, 1974*), on the grounds that they did not adequately protect the estimated 100,000 persons sterilized annually with Federal funds (as cited in *372 F. Supp. 1196, 1974*).

On Mar. 15, 1974, U.S. District judge Gerhard Gesell ordered HEW to draft new regulations specifying the necessary components of informed consent for federally funded sterilizations and also protecting against coercion. He enjoined the government from financing any sterilization of minors or others unable to give consent because of mental incompetence. Gesell ruled that these two classes of people are presumed by the law to be incompetent to give voluntary and knowing consent to sterilization, emphasizing the statutory directive that participation in all federally funded family planning services be voluntary. (*42 USC. 304 a-5; 42 USC 602(a), 709 (a). See 372 F. Supp. 1196, 1202 DDC 1974.*)

In accordance with Gesell's injunction, HEW imposed a moratorium on federally funded sterilizations of any minor or mentally incompetent person. To date, this moratorium remains in effect although HEW has appealed sections of the Court's order; and the question remains unsettled whether Federal statutory authority exists to fund sterilizations for these two classes of people (whose participation may not be characterized as truly voluntary). The Reproductive Freedom Committee is awaiting the Court's decision concerning the question of minors and mental incompetents and is not dealing with these unresolved legal and medical issues.

> performed after he (*sic*) has been given (as evidenced by a document executed by such individual):
> 1) a fair explanation of the procedures to be followed;
> 2) a description of the attendant discomforts and risks;
> 3) a description of the benefits to be expected;
> 4) an explanation concerning appropriate alternative methods of family planning and the effect and impact of the proposed sterilization including the fact that it must be considered to be an irreversible procedure;
> 5) an offer to answer any inquiries concerning the procedures and;
> 6) an instruction that the individual is free to withhold or withdraw her or his consent of the procedure at any time prior to the sterilization without prejudicing her or his future care and without loss of other project or program benefits to which the patient might otherwise be entitled.[57]

All consent forms must display the following notice printed prominently at the top:

> NOTICE: Your decision at any time not to be sterilized will not result in the withdrawal or withholding of any benefits provided by programs or projects.

Facilities offering federally funded sterilization must provide documentation that the requirements of informed consent have been met. This could be by providing either a written consent document detailing all the basic elements of informed consent, or a short consent document indicating that the basic elements of informed consent have been orally presented. If the second option is used, a written summary of the oral presentation must be appended, signed by both the person obtaining consent and an "auditor-witness"—designated by the patient—who was present during the oral presentation.

HEW is authorized to enforce its own regulations. In cases where hospitals or doctors fail to comply with the regulations, court orders may be sought requiring compliance.[58] More important, Federal financial assistance may be withdrawn from any doctor or medical or family planning facility that fails to comply with HEW regulations.[59] To date, HEW has not enforced the regulations other than distributing the regulations to participating facilities.

One reason for so little compliance with the sterilization guidelines is that no effective mechanism exists for measuring compliance. At least two major surveys of hospitals have been conducted to test for compliance with the April 1974 regulations. They make the same point: the Federal Government has been woefully negligent in enforcing its own regulations. Studies of the American Civil Liberties Union and the Public Citizen's Health Research Group show that in the absence of any enforcement effort by HEW, sterilization guidelines are being widely ignored, if not deliberately evaded.[60]

The Commission recommends:

1. Strict compliance by all doctors, medical, and family planning facilities with HEW's minimum April 1974 regulations concerning sterilization.

2. That all hospitals adopt a stringent policy to insure that women are not approached by staff members to consider sterilization while they are in labor or childbirth unless there is a definite medical indication for sterilization.

3. That HEW immediately develop an effective enforcement system to monitor its own minimum regulations. The system should include unscheduled visits to hospital OB–GYN departments by HEW staff, as well as by concerned women's and patient advocacy groups. HEW should take maximum action against all violators.

Married persons seeking sterilization are usually confronted by a requirement that their spouse must give consent before the procedure will be performed. Patients often claim this stipulation to be an invasion of their privacy. Hospitals and physicians claim it provides important protection against legal liability.

No lawsuit has ever succeeded against a physician or hospital performing a voluntary sterilization without the consent of the patient's spouse when a competent patient has given her or his informed consent.[61] Although the Su-

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[57] 39 *Fed. Reg. 13873*.

[58] Elissa Krauss, "Hospital Survey on Sterilization Policies," p. 4. American Civil Liberties Union Reproductive Freedom Project report, Mar. 1974.

[59] *Ibid.*, p. 4.

[60] Elissa Krauss, *op. cit.* Also, see "Sterilization Without Consent: Teaching Hospital Violations of HEW Regulations," a *Report by Public Citizen's Health Research Group*, Jan. 21, 1975.

[61] See American Civil Liberties Union, Women's Rights Project Report, "Spousal Consent for Voluntary Sterilization," Judith Mears and Richard Sauber. Also *Ponter* v. *Ponter*, Doc. C–3599–74, Superior Court of N.J., June 9, 1975.

preme Court has never ruled on the question of spousal consent for voluntary sterilization, the First Circuit Court of Appeals has applied to sterilization the rationale underlying the *Roe* and *Doe* abortion decisions of 1973.[62] Apparently a person's decision to terminate the possibility of any future pregnancy embraces all the factors deemed important by the Supreme Court in *Roe* and *Doe*.[63]

The IWY Commission recommends that spousal consent not be a requirement upon which sterilization procedures are contingent. If the patient does not speak English, appropriate staff must be found to explain the sterilization procedures and HEW regulations in the primary language of the patient. (Note: With regard to the first sentence of this recommendation, Rita Z. Johnston, Commission Member, voted, "No.")

Family Life and Sexuality Instruction in Elementary and Secondary Schools[64]

Background

In recent years, research has revealed startling data about the sexual activity of young people throughout the United States. Half of the approximately 20 million teenagers aged 15–19 are women.[65] Thirty percent of these women are sexually active, and four-fifths of these sexually active women reported that they use no birth control.[66] Equally disturbing is the fact that premarital sexual activity is beginning at increasingly younger ages.[67] About one-third of reported, legal abortions—perhaps 300,000 in 1973—were performed on women under the age of 20.[68]

Venereal disease has reached epidemic proportions among teenagers in this country. The Center for Disease Control (HEW) states that fewer than one-third of an estimated 2.6 million cases of gonorrhea and syphilis occurring during 1973 were even diagnosed. In 1974 alone, 2,031 cases of syphilis were reported for males age 15–19, and the figure for females of the same age was 1,961. In that same age group, 111,273 cases of gonorrhea were reported for men and 137,484 cases were reported for women.

The steady increase in the teenage birthrate over the last several years is especially disturbing, for this increase is attributable entirely to the youngest mothers. The National Center for Health Statistics reports that in 1965 the number of registered live births to girls under the age of 15 was 7,768. In 1975, the figure rose to 12,861.[69] Teenagers accounted for almost half of the out-of-wedlock births in the United States as far back as 1970,[70] and this figure is sure to have grown substantially in the past few years. It is common knowledge that dangers to infant and maternal health are greater for young mothers, and early pregnancy is associated with increased school drop-out rates and unprepared-for decisions to marry.

These are the facts. They cannot be wished away. Clearly, there is an acute need for increased knowledge about reproduction, contraception, and sex roles. Teenagers get information from movies, television, magazines, other media, and their peers. Teenage radio programs have particular impact on the way young people think and act, and constitute another source of often irresponsible information.

Only when young people truly realize what the responsibilities of children, home, and family life entail will they be better able to enter into the adult world. Therefore, educational programs should be established in the schools to provide all young people with comprehensive instruction about sound family life and responsible sexuality.

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[62] *Hathaway* v. *Worcester City Hospital 475 F. 2d 701* (First Circuit, 1973).

[63] *Roe* v. *Wade* 410 U.S. 113 (1973). *Doe* v. *Bolton* 410 U.S. 179. These decisions made abortion a constitutionally guaranteed right of women. The Sup. Ct. ruled that the abortion decision (a) was protected by the constitutional right of privacy and the exercise of that right; (b) was a matter only for the pregnant woman and her physicians; (c) could not be prohibited by the State during the first 6 months of pregnancy or prior to viability; and (d) if prohibited thereafter, must nevertheless be protected when the woman's life or health was at stake.

[64] Recommendations approved by Reproductive Freedom Committee Jan. 6, 1976; by IWY Commission Jan. 16, 1976.

[65] VD Fact Sheet—1973, Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, Bureau of State Services, Venereal Disease Control Division, Atlanta, Georgia 30333.

[66] J. F. Kantner and M. Zelnik, "Contraception and Pregnancy: Experience of Young Unmarried Women in the United States," *Family Planning Perspectives*, vol. 5, no 21, 1973.

[67] National Center for Health Statistics (HEW), *Vital Statistics of the United States*—Natality, 1965 through 1973.

[68] *Ibid.*

[69] National Center for Health Statistics.

[70] Family Planning Perspectives, Planned Parenthood Federation of America, 515 Madison Ave., New York, N.Y., Sept. 1975.

The Reproductive Freedom Committee acknowledges that sexual patterns are changing and that the traditional nuclear family of mother, father, and children is no longer perceived by young people as the only acceptable model.[71] Therefore, all programs must take into account changing sex roles and new lifestyles, and teachers must recognize and accept the many differences in contemporary family structure. Teachers must be sensitive to the differences in the ways girls and boys develop and should portray females and males without prejudice and stereotype. Responsible sexuality must emphasize the shared responsibility fundamental to all human relationships.

The school programs should in no way take precedence over the role of the parent, but should supplement the home instruction and example.[72]

The IWY Commission recommends that instruction in responsible sexuality, appropriate to grade level, including family life and parenthood, be offered at all levels of elementary and secondary education. Such instruction should be integrated into existing curricula rather than taught as a separate course, and instruction should be given by regular teachers, in cooperation with certified sex educators. In schools where a substantial proportion of the students are of Spanish origin, bilingual instruction should be given. Responsible sexuality programs should recognize and be sensitive to the needs and abilities of different age groups; however, at all levels, when controversial subjects arise, they should be dealt with factually and forthrightly. The Commission recommends that when students seek medical services as well as educational guidance, school personnel readily refer them to appropriate organizations which provide such services and counseling to minors on a confidential basis.

The Reproductive Freedom Committee recognizes that in order for the above program to be adequately implemented, teachers must feel comfortable in the areas of family life, responsible parenthood, and sexuality and must feel qualified to instruct their pupils.

The IWY Commission recommends that the Federal Government encourage the development—within all federally subsidized institutions which prepare teachers of elementary and secondary education—of comprehensive curricula specifically designed to prepare teachers to offer family life and sex education programs comfortably and with sufficient expertise. Specifically, the Commission recommends that a minimum of $15 million annually be appropriated to HEW for ongoing training programs and staff development, as well as for creating and implementing new model curricula within institutions. (Note: Rita Z. Johnston, Commission Member, abstained.)

Minority Opinion on Recommendations Concerning Abortion

Rita Z. Johnston, Chair of the Committee on the Arts and Humanities and member of the IWY Commission, in a memorandum (December 18, 1975) to the IWY Commission, said:

> "The majority of the National Commission members present at the 12/5/75 meeting adopted four recommendations concerning abortion. While I appreciate the thoughtful expressions of concern for personal considerations which prefaced the recommendations, I find that I must disagree with each of the four recommendations.
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> "Certain precepts based on the study of the United States Commission on Civil Rights are presented as arguments for opposing constitu-

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[71] See description of Census Bureau Report on marital and other living arrangements, *Washington Post,* Jan. 8, 1976, article entitled, "The Census is On, and Marriage is Out."

> The . . . report shows the percentage of Americans who choose to remain single, and of married couples who separate or divorce, continues to rise. The figures are based on a survey conducted last Mar. which showed that the number of persons between 25 and 34 who never married has jumped by about 50 percent since 1970, from 2.8 million to 4.2 million persons. The number of persons in that age group heading their own households approximately doubled, from 915,000 to 1.8 million. The number in that age group living alone rose from 592,000 to 1.2 million during the same period.

[72] In commenting on the two recommendations which follow, and other related recommendations, Congresswoman Margaret Heckler gave precedence to the role of the parent in a school sexuality program. She stressed that a parent should be able to have input to such a program and should be consulted before his or her child is enrolled.

tional amendments and legislative measures designed to restrict the availability of abortion services. I disagree with these statements in that they fail to recognize that there is a moral basis for most of law:

"1. I submit that the supposition proposed in statement 1 (page 272) is erroneous since it claims that only 'one set of moral and religious beliefs as to when life begins would inhibit the free exercise of other views.' This statement presumes that dissension on the abortion issue is limited to one religious group while the fact is that pro-life supporters come from both those who hold various religious persuasions and many who do not. There are opposing views in the scientific and medical community as well.

"2. Common law rights referred to in this statement do not include the right to deny life to another human being. Abortion not only damages another's life, it destroys it. Abortion forfeits the very basic right to life from which all other rights proceed. Without question, it is a moral issue—both personal and public.

"3. Commenting on the third argument, I would say there is great concern among the ethnic minority women, whose right to abortion is asked for by the committee, that the abortion proponents are in fact proponents of ethnic genocide.

"The so called 'right to privacy' which has been interpreted to include a woman's right to abortion in fact gives her license to take the life of a human individual. Most abortions are performed for social reasons, convenience, or economic concerns—reasons which may call for alleviation by other measures, but which are not grave enough to forfeit a child's life. Those other measures should be a major concern of public and private support.

"There are those who argue that nothing can be human life that cannot exist independently. Life is an interdependent phenomenon for us all. It is a continuous spectrum that begins in utero and ends at death.

"We must face the fact that human life is being taken. And since the vast majority of pregnancies are carried successfully to term, abortion must be seen as the interruption of a process that would otherwise have produced a citizen of the world. Denial of this reality is the crassest kind of moral evasiveness."

Special Problems of Women Committee[73]

INTRODUCTION TO SOCIAL SECURITY RECOMMENDATIONS

The Special Problems of Women Committee has formulated recommendations for amending the Social Security Act with the firm expectation that other changes will be made to correct the sex discrimination now explicit in the law.

To a large extent, this discrimination results from the outmoded presumption that women are dependent while men must prove dependency. The difference in treatment of the sexes means that a woman worker's contributions to Social Security purchase less in terms of family protection than do a man's. Clearly, the law must be corrected in this respect and correction is already underway, as a result of judicial decisions and the attitudinal changes resulting from debate on the Equal Rights Amendment.

The committee has therefore concentrated its attention on improving Social Security to recognize that women increasingly have dual roles as wage earners and homemakers, and that their wage earning is commonly interrupted by childbearing and childraising. (A separate recommendation relating to the coverage of homemaker services under Social Security has been formulated by the Homemaker Committee and adopted by the IWY Commission.)

The committee assumes that the recommendation of the 1975 Quadrennial Advisory Council on Social Security to "index" earnings will be adopted. "Indexing" is a means of compensating in the benefit formula for the general increase in wages occurring over a worker's lifetime. The major factor in the present formula is the average monthly earnings over a worker's covered service with the lowest 5 years eliminated. The general increase in average wages over time results in inequities in benefits.

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[73] IWY Commission members: Dr. Ethel Allen, Chair; Margaret Long Arnold, Barbara R. Bergmann, Gilda Bojorquez Gjurich, Velma Murphy Hill, Ellen Groves Kirby, and Annie Dodge Wauneka. Public members: Lily Lee Chen, Director, Projects and Resource Development, Los Angeles County, Department of Public Social Services; Betty Fierro, immediate past President, Mexican-American Women's National Association; and Antoinette Ford, former member of District of Columbia City Council.

Staff members: Mercedes Botts and Patricia Hyatt.

Consultant: Margaret Taylor.

The Special Problems of Women Committee contracted with the following for special studies: Agnes M. Johnson, Report on U.S. Bastardy Laws, 1975; Radd Associates, a program (A Time To Listen) for especially disadvantaged women, ethnic minorities, and elderly women; Radd Associates, 10-minute film documentary on University of Michigan Conference of the North American Indian Women's Association; Annette C. Reid, Citizens Services, Inc., Minority Female Youth, aged 16–21; Ron White, Comparison of International Bastardy Laws.

The Advisory Council recommended that "actual earnings for each year be multiplied by the ratio of average earnings of all workers in the year of retirement to average earnings of all workers in each past year used in computing the benefit. If a worker retires in 1975, for example, and if all earnings averaged four times as high in 1975 as in 1951, four times the worker's actual earnings in 1951 would be the indexed earnings used" in the formula. "Thus, everyone retiring in 1975 would have all his actual earnings, regardless of when they were earned, restated in an equivalent 1975 figure."[74]

While "indexing" (sometimes referred to as "decoupling") would be of great value to women workers and to widows of male workers, its impact is not primarily on women and hence outside the charge of the Commission. This committee, therefore, makes no recommendation on this issue.

Increasing the Number of Drop-out years in Computing Social Security Benefits[75]

The IWY Commission recommends that the method of computing retirement income in the Social Security Act be amended by increasing the number of drop-out years from 5 to 10 years.

Background

Contributing to low Social Security benefits for women is the present benefit formula. For purposes of computation, the 5 lowest-earning years are disregarded; earnings for the remaining years since 1950 are averaged, and the result is the base for the amount of the benefit. This method of averaging works to the disadvantage of women because they commonly spend years out of the labor force for childbearing and childrearing.

The present method means too that benefits are based on earnings in the 1950's and 1960's when wages and the maximum taxable wage base were considerably lower. Proposals are now under consideration for "indexing" earnings—a change that would benefit both men and women. A revised benefit formula, using past earnings "indexed" to take account of changes in the average earnings of all covered workers during their working lives, was proposed by the 1975 Advisory Council on Social Security. But to recognize the working pattern of women requires more than "indexing."

This is because women work for several years, then leave the labor force to raise a family, and return to a career in later years. The zero income years over 5 are now averaged with the salaried years and reduce the benefits in retirement. This system of averaging also reduces benefits for those, like domestic workers, whose work records are irregular and those who have experienced high rates of unemployment.

It is time to update the system and better adapt it to the needs of working women by increasing the number of dropout years from 5 to 10, as well as by "indexing" earnings.

The Task Force on Women and Social Security of the Special Committee on Aging (U.S. Senate) in its October 1975 report recommend an increase in the number of dropout years without specifying how many.

Increasing the number of drop-out years from 5 to 10 years would have a long range cost of 1.52 percent of taxable payroll. (This is a very expensive proposal, as the long-range cost of the whole Social Security cash benefits program is 16.26 percent of taxable payroll.) Social Security does not have a first-year dollar cost on this proposal; however, it does have a recent cost on a proposal to increase the number of drop-out years by 3 (from 5 to 8): $160 million in additional benefits in the first year.

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[74] U.S. Congress, Reports of the Quadrennial Advisory Council on Social Security: Communications from Secretary of Health, Education, and Welfare, to the House of Representatives, H. Doc. 94–75, 94th Cong., 1st Sess., U.S. Government Printing Office, 1975.

[75] Recommendation approved by Special Problems of Women Committee Feb. 4, 1976; by IWY Commission Feb. 27, 1976.

Improving Medicare[76]

The IWY Commission recommends that Medicare provisions in the Social Security Act of 1935 be amended:

- **To combine Part B benefits for optional medical services with Part A benefits for hospitalization so that all the elderly receive mandatory coverage for physicians' services as well as for hospital insurance;**
- **To expand the Medicare system to include prescription drugs, hearing aids, eyeglasses and eye care, and dental care.**

The IWY Commission also supports the HEW Maximum Allowable Cost (MAC) Program to hold down costs of federally financed drug purchases by allowing reimbursement only for lowest cost medicines of certified equivalent quality where there is a choice.

Medicare and Women

Deficiencies in Medicare are of special concern to women:

- Because 60 percent of the 1974 population over 65 was female (there were 143 women to every 100 men in this age group);
- Because females live longer than males and thus use health services over a longer period of their lives;
- Because in 1974 more than 2.3 million elderly women existed on incomes below poverty level, and the median income of elderly women that year was $2,375; and
- Because the elderly need and use health care more than any other segment of the population and visit doctors 50 percent more often and have about twice as many hospital stays lasting twice as long as for the under-65 age population.

Physicians' Services and Hospitalization

The elderly woman's problems of health are complicated by her problems of low income. Many of these women are not utilizing the full range of needed health services because they cannot afford to, even when the government pays a share. Genteel or not-so-genteel, poverty forces them to wait until they can no longer ignore necessary in-patient hospital care.

As established in 1965, Medicare health protection for the elderly has been providing a basic compulsory program for hospital insurance (Part A, financed by taxes paid by the worker and the employer, and by the Federal Government) and an optional voluntary program for medical insurance (Part B, financed from premiums paid by retired persons and by the Federal Government.)

Part B now costs the beneficiary $6.70 a month and will increase to $7.20 a month for the 12-month period beginning July 1976.

The Committee on the Special Problems of Women is apprehensive that these premiums for coverage beyond hospitalization are seriously limiting health care for the elderly, particularly for women of ethnic and racial minorities with disproportionately low incomes. Discussions and recommendations of the 1971 White House Conference on the Aging and the 1971 Social Security Advisory Council also have expressed this concern.

Elderly women had a median income of $2,375 in 1974. The median for elderly women who lived alone was $2,655, and unmarried elderly women living with relatives had a median income of only $1,935.

Absorption by Part A of Part B costs means that an alternative formula must be designed to cover the estimated $1.92 billion in medical insurance premiums due by FY 1976.[77] Total Part B costs, financed by these premiums together with general revenues and interest from the trust fund, will amount to $4.95 billion in 1976, and by 1980, $10.39 billion.[78] The 1971 Social Security Advisory Council report, in its recommendation on financing both hospital insurance and supplemental medical insurance through Social Security contributions and general revenues, suggested the following:

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[76] Recommendation approved by Special Problems of Women Committee Feb. 3, 1976; by IWY Commission Feb. 27, 1976.

[77] Budget of the U.S. Government, FY 1977.

[78] Estimated Operation of the Supplementary Medical Insurance Trust Fund, document produced by House Ways and Means Committee, in cooperation with Office of the Actuary, Social Security Administration.

> For financing purposes, supplementary medical insurance (now financed through voluntary premiums and general revenues) should be combined with hospital insurance. The Medicare program, as enlarged under the Council's recommendations, should be financed by one-third contribution from employees, one-third from employers, and one-third from general revenues. Thus, people would pay in advance toward supplementary medical insurance as they do toward hospital insurance, through contributions during the working years rather than premiums after age 65.

The recommendations of the Advisory Council were not carried out. The Special Problems of Women Committee believes they are needed even more now than when written, in light of the growing numbers of women 65 and older with incomes below or near poverty level.

Medicines and Medical Aids

Even though the need increases with old age, these items and services are not covered by Medicare: prescription drugs, hearing aids, eyeglasses and eye care, and dental care.

Drugs prescribed for hospital patients are covered by hospital insurance (Part A) of Medicare, but "out-patient" prescriptions are not. Reports to the Committee on the Special Problems of Women estimate that charges for prescriptions for older people range up to 67 cents higher per prescription due to the more frequent need for expensive maintenance drugs. Commercial promotions may offer "over-65" customer discounts, but these are not necessarily large enough to overcome the extra cost of the special drugs.

The 1971 Advisory Council on Social Security recommended Medicare coverage of out-patient prescription drugs:

> Such coverage should apply to all persons entitled to Medicare protection, including Social Security disability beneficiaries as well as those age 65 and over. Medicare should be responsible for the flat payment amount of $2 per new prescription and $1 per refill prescription, and the Medicare payment should be to the drug vendor who would be responsible for maintaining necessary records and initiating claims.

Hearing aids, eyeglasses and eye care, and dental care are obviously among the important health needs of the Nation's elderly. This committee recommends the coverage of these items in Supplemental Health Insurance and Hospital Insurance benefits.

Brand Name Medicines

Drugs sold under a brand name cost considerably more than the same drug sold under its chemical (or generic) name. Many physicians prescribe under the brand name when the generic drug would be equally effective and cost less. Yet, most States still have laws prohibiting the druggist from substituting equivalent quality ingredients.

In an effort to reduce Medicare expenses, the Department of Health, Education, and Welfare has proposed a Maximum Allowable Cost Program. MAC, scheduled to go into effect in April 1976, provides that any federally financed drug purchase plan will pay for only the lowest cost drug, which in most cases will *be* the medicine identified by its generic name. The Special Problems of Women Committee fully supports the goals of the MAC proposal and its insistence that substitute ingredients must be of certified equivalent *quality*.

Social Security Benefits for Working Wives[79]

The IWY Commission recommends that the Social Security Act be amended to provide more equitable retirement benefits for wives covered under Social Security.

Discussion

Under the Social Security system, a wife is entitled to a benefit of her own when her husband retires (called a secondary benefit). Her benefit is one-half of his earned benefit. She is entitled to a benefit even if she has never been employed outside the home.

A wife who herself is entitled to a benefit based on her own earnings (called a primary benefit) cannot have both the benefit based on her husband's employment and that based on her own. She receives the benefit that is the larger of the two. In many such cases, the benefit she has earned is smaller than the secondary benefit she is entitled to based on her husband's employment. This is true because women earn less than men and because absence from the labor force for any period over 5 years is penalized heavily by the formula used for computing benefits. In such cases, the wife feels that she has received less than a fair return on her contributions.

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[79] Recommendation approved by Special Problems of Women Committee Feb. 12, 1976; by IWY Commission Feb. 27, 1976.

The proportion of cases where working wives are entitled to a smaller primary than secondary benefit is decreasing as women's attachment to the labor force grows. About 83 percent of wives retiring in the last half of 1969 were entitled to a primary benefit that was larger than the secondary benefit they would have been entitled to.

In some cases a couple, both of whom have worked, will receive less in total retirement benefits than another couple only one of whom has worked, even though both couples had the same total earnings and paid the same Social Security taxes (see table below). This inequity also is inherent in the secondary benefit for wives.

WORKING WIVES AND THE SOCIAL SECURITY SYSTEM: INEQUITIES

For two couples with equal pre-retirement earnings and contributions, and both partners claiming benefits at age 65:

Couple A

	Average monthly earnings in covered employment	*Couples' benefits*	*Benefits to wife if husband dies after retirement*
Husband	$ 500.00	$ 323.40	$ 0
Wife	0	161.70*	323.40**
Total	$ 500.00	$ 485.10	
	Couple B		
Husband	$ 333.33	$ 246.80	$ 0
Wife	166.67	169.80	246.80**
Total	$ 500.00	$ 416.60	
How much less Couple B gets than Couple A	0	$−68.50	$−76.60

* 50 percent of husband's benefit.
** 100 percent of husband's benefit.

Source: Office of Research and Statistics, Social Security Administration, 1975.

The grievances of the working wife are very tangible and have been on the agenda of every commission and task force on the status of women since 1961. The 1975 Quadrennial Advisory Council on Social Security also addressed this problem as did the 1975 Task Force on Women and Social Security of the Special Committee on Aging, U.S. Senate.

Various solutions have been proposed.

In 1963 the Committee on Social Insurance and Taxes of the President's Commission on the Status of Women recommended "that a working wife get both a primary benefit (benefit based on her earnings) and a wife's benefit, but that the wife's benefit be reduced on a sliding scale in proportion to her own benefit. For example, it might be provided that a wife's benefit be reduced $1 for each $2 in benefits based on her own wages.[80] The cost was estimated at .20 percent of taxable payroll. The President's Commission did not adopt the recommendation.

In May 1967 Representative Martha Griffiths, a senior member of the Ways and Means Committee, introduced a bill (H.R. 9715) providing family benefits based on the combined average monthly earnings of a married couple. This bill would have provided a higher monthly benefit than that paid under present law to married couples both of whom have worked in covered employment, except when the couple had earnings at either the minimum or maximum levels. Cost of the proposal was estimated at .52 percent of taxable payroll. Representative Bella Abzug has introduced a bill (H.R. 156) including a similar provision.

In April 1968 the Citizens' Advisory Council on the Status of Women adopted a recommendation of its Task Force on Social Insurance and Taxes, which was a modification of Griffiths' combined earnings proposal. To avoid "prohibitive administrative complications and substantial additional cost," the Task Force would have limited the use of combined earnings in computing retirement benefits when no dependents' benefits are payable, and when both members of the couple have reached retirement age and have had at least 10 years of simultaneous double wage credits.[81] This proposal was prepared with technical assistance from the Social Security Administration, and would have cost .22 percent of taxable payroll.

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[80] President's Commission on the Status of Women, *Report of Committee on Social Insurance and Taxes*, U.S. Government Printing Office, Wash., D.C., 1963. Single copies available from Women's Bureau, Labor Department, Wash., D.C. 20210.

The 1975 Quadrennial Advisory Council on Social Security rejected a recommendation of its subcommittee to ameliorate the inequities of working wives in low income families. The subcommittee recommendation was a variation of the combined earnings solution with several limitations and would have cost .20 percent of taxable payroll.[82]

The objection most commonly raised to these proposals is that their increased cost must be met from contributions by all covered workers, including single workers deriving no additional protection from the change. Many single women workers already feel that they are treated inequitably because their Social Security taxes reflect the cost of benefits for nonworking wives and other dependents of married workers.

A different type of proposal has recently been made aimed at increasing benefits for single workers while improving the protection of a working couple, compared with a couple with a nonworking wife. Under this proposal, primary benefits would be increased by one-eighth and the proportion for the spouse would be reduced from one-half to one-third, thus maintaining the present total benefit of 150 percent for a couple. This would almost inevitably produce benefit for the working wife larger than a secondary benefit for a nonworking wife; at the same time, the benefits and hence the contributions paid by the single woman worker are increased. The major objection to this proposal is its heavy cost: the long-range cost is projected at 1.6 percent of taxable payroll if the change is made after the Social Security system is "decoupled" (as assumed in the Introduction to this committee's report).

The Special Problems of Women Committee recommends that the Social Security Administration be charged with analyzing thoroughly these various proposals and their cost implications as a basis for determining priorities in correcting existing inequities. The committee's recommendation to increase the number of drop-out years and the recommendations already adopted by the IWY Commission for coverage of homemakers under Social Security if enacted into law would greatly reduce the inequities of the working wife.

Older Women[83]

To promote a better quality of life for the older woman, the IWY Commission recommends that Commissions on the Status of Women in the cities, counties, and States of the United States and its territories, in cooperation with appropriate voluntary as well as publicly funded local nongovernment organizations, give high priority consideration to developing and actively supporting:

1. Wide publicity on the positive roles of women over 50.

2. Continuing education for the elderly and "young elderly" (50–65), with wider opportunities for innovative curriculums such as "preparation for retirement," or practical law and finance, because many women in this age group are still dependent on, yet will outlive, their husbands.

3. Efforts to stimulate the elderly woman's interest in life with particular attention to needs of the frail elderly, age 75 and older.

4. Visiting housekeeper programs and protective services, including those both voluntary and government funded, that enable all elderly who so choose to remain comfortably in their homes instead of moving to institutions.

5. Safety education programs and defensive driving programs for the elderly.

6. The development of bicultural, bilingual programs, including health services, recreation, and other programs to support elderly women of limited English-speaking ability.

7. Public transportation in both urban and rural areas for otherwise housebound women who want to be independent in shopping and attending cultural and artistic events.

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[81] Citizens' Advisory Council on the Status of Women, Report of the Task Force on Social Insurance and Taxes, U.S. Government Printing Office, Wash., D.C., 1968. Single copies available from Women's Bureau, Department of Labor, Wash., D.C. 20210.

[82] U.S. Congress, Reports of the Quadrennial Advisory Council on Social Security: Communications from Secretary of Health, Education, and Welfare, to the House of Representatives, H. Doc. 94–75, 94th Cong., 1st Sess., U.S. Government Printing Office, 1975.

[83] Recommendation approved by Special Problems of Women Committee Feb. 3, 1976; by IWY Commission Feb. 27, 1976.

8. Services for obtaining legal and tax aid.

9. Suitable housing for women living alone; special concern for their safety and security.

Discussion

Elderly women are becoming an increasing proportion of the American population. While the percentage of the U.S. population aged 65 and over was doubling from 1900 to 1974, the average length of life of women increased from 48 years to 75 (or 56 percent) while for men the increase was smaller—46 percent—or from age 46 to age 68.

Women over the age of 75 constituted only one-tenth of the elderly population in 1900, and one-sixth in 1974 when there were 169 women per 100 men in the 75-and-up age group. But by the year 2,000, one-fifth of the elderly will be women over 75.

The Federal Council on Aging presently defines "elderly" in three categories: the young elderly, ages 50 to 65; elderly, ages 65 to 75; and frail elderly, over 75. Many of the women in the "frail elderly" generation have not themselves ever written checks or are unfamiliar with commonly accepted urban maneuvers such as bus transfers. Their nutrition needs and their fears have been documented, but their contributions to society have been hidden from prominent view in the media. The Special Problems of Women Committee believes that this inattention to the older woman's positive role has deprived young women of life models, has isolated older women from each other, and has deprived them of pride in the contributions made by their generation. Efforts toward positive treatment of older women by the media must be stepped up.

Continuing education for the elderly is an urgently needed approach toward both protection and self-esteem for this age group. Businesses, government, and social and education organizations must provide accessible learning resources for citizens over 65.

Sandra Featherman, Secretary of *Women for the Bicentennial,* has submitted to the committee a recommendation favoring early training of women for retirement. As Ms. Featherman said,

> "We retire our working women at 65 or less. Many widows have little or no work experience. Both groups often reach old age without family, without confidence (or with diminished confidence) . . . in their skills. They can increasingly be taught the skills and confidence they need to (continue to) lead meaningful lives."

Expanded programs to stimulate the elderly woman's community participation and interest must be developed jointly by Federal, State, and local governments. The committee urges wide adoption of meals on wheels programs, foster grandparents plans, utilization of older helpers in child care centers, visiting homemaker services, housing and housing information programs, special transportation services, and nutrition programs such as those sponsored by many churches or available through public school cafeteria food surplus arrangements.

According to the U.S. Bureau of the Census, the number of persons over 65 years will have risen to 11 percent of the total population by the year 2000. The actual number will approach 29 million. Over 85 percent of the elderly will live in cities, and they will be, as now, predominantly female.

There are good reasons, then, to be concerned about a proportionate increase in urban crimes against elderly women. The average citizen has one chance in 146 of being a victim of crime,[84] while the woman over 65 has one chance in 24. This means that women over 65 are now six times as likely to be victims as the rest of the population.

This same study reported that more than half of the female victims of street robberies were over 55, and more than one-third were over 65.

Retirement checks that arrive regularly in the mail and lack of physical strength make the elderly woman vulnerable to crime. She may often feel like a prisoner in her own home. Typically, 80 percent of the crimes committed against the elderly take place in or near the home of the victim.

With police capabilities already strained, the need of the elderly for safety education and crime prevention instruction is crucial (i.e., lessons on how best to handle windows and locks). Local government agencies should sponsor and make more accessible to the elderly such safety education programs.

Defensive driving classes for elders who fail to pass their States' compulsory over-65 driving tests are meeting a great need. The committee urges nongovernment organizations and law enforcement agencies involved in such programs to assist their neighboring communities in initiating classes where none exist.

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[84] According to a University of California study described for the Committee by Mary A. Marshall, Virginia House of Delegates.

Physical and Mental Health of Women[85]

The IWY Commission recommends that the President direct the Department of Health, Education, and Welfare (HEW) to establish an advisory committee of eminent health professionals who have demonstrated interest in women's health issues including mental health issues. This committee would have continuing responsibility for reviewing HEW health-related research, training, and service programs; for identifying issues that are germane to the status of women and educating the public on these issues; and for making recommendations to the Secretary for those issues' resolution. The committee would include among its studies reviews of the following specific topics to determine if women's interests and needs are served appropriately in HEW-funded programs:

- **Research personnel—to determine whether women are appropriately included in research subject populations; whether women are appropriately included in research administration, design, execution, and analysis; whether the proportion of female principal investigators reflects the proportion of qualified female scientists among potential applicants for research grants and contracts.**
- **Research program content and selection of priorities—to assess opportunities for input by women and for consideration of topics that are directly relevant to women's health problems, such as kidney disease, depression, alcoholism, and drug abuse; to determine if special needs and problems of single parents, aged women, and minority women—including blacks, Hispanics, Asian-Americans, and Native Americans—are being addressed.**
- **Survey projects—to determine if women's legal and economic status, family and societal roles, and personal capacities and interests are represented fairly in survey design, instrumentation, sampling, execution, and analysis.**
- **Participation of women in planning, policymaking, managing, and care giving in health service organizations, including alcohol, drug abuse, and mental health service organizations.**
- **Adequacy and appropriateness of treatment and other services provided for women in federally funded health service programs.**
- **Research on health status and longevity of employed women in comparison to homemakers and men.**
- **Criteria for selection, and sex, race, or ethnicity, and occupation, of persons who have received organ transplants or hemodialysis treatment.**
- **Research projects on cancer and women, particularly breast cancer, and the impact of various methods of treatment on women's lives.**
- **Research and clinical training programs—to insure that women candidates have access to all types of professional, paraprofessional, and technical training activities.**
- **In-service training for men and women who work in health care programs to keep those programs relevant to the changing roles and changing needs of women.**
- **Systematic health data collection—so that incidence and prevalence of illness, service utilization, patient movement, etc., can be analyzed by sex, race, social class, and marital status.**
- **Relationship of economic stress and mental health.**

Women's Health

Since the IWY Commission did not have the resources to establish a committee on health, extensive consideration could not be given to this problem. However, the topic is of such great importance to women and there is so much interest among women that the Special Problems of Women Committee decided to include a recommendation for further study.

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[85] Recommendation approved by Special Problems of Women Committee Mar. 15, 1976; by IWY Commission by mail ballot Mar. 1975.

In health research as in other areas of human concerns men have all too often been considered the norm and women the exception, on the ground that all of women's problems relate to reproduction. Some examples of areas in which women's health needs have not been considered follow:

> Studies on diseases common to men and women sometimes do not include women as subjects, e.g., the Framingham, Massachusetts study on Heart Disease, and the Multifactor High Risk Study of health effects of smoking, drinking, and diet.
>
> Newspaper stories indicate that practically all heart transplant recipients are men, and the committee could find no data on sex of recipients of transplants of other organs. Available data on sex of persons selected for dialysis shows only two-thirds as many women as men receiving dialysis.[86]

There is apparently no research on the effect of careers outside the home on longevity or on health of women. Such research is needed for both single and married women. Research is also needed on health and longevity of men and women in the same occupations.

Too often, women who enter medical facilities for cancer treatment are given little or incomplete information on options open to them from diagnosis through the postoperative handling of their cases. Little or no information is imparted to members of the family, particularly to husbands, on what their attitudes and behavior should be if they are to help the patient.

Mental Health[87]

Although available facts indicate that more women receive treatment for mental health problems than men at every age over 15, there has been inadequate research on the reasons. Furthermore, methods of treatment and treatment facilities are not geared to the special problems of women. In addition to the need for further research and improved training methods and facilities, education of the public on these problems is needed.

The diagnosis for which women are most apt to be treated is depression. And depression rates are higher for women than for men in every age category except the 25–34 range. Not included in these data, of course, are the many women who seek help for symptoms of depression from general practitioners, religious counselors, private psychiatrists, psychologists, and other private sources and from the many innovative women's self-help groups. Studies of the incidence of depressive symptoms indicate that large numbers of women in the general population have such problems but are never treated.[88]

The highest rates of treatment for mental illness in women are in the 24–44 age group, followed by the 15–24 age group. Women of these ages are most likely to experience stresses of having young children at home, commencing a new career, getting married, etc.[89]

While the suicide rate in general has remained relatively stable over the last 15 years, the suicide attempt rate has increased dramatically. Would-be suicides are primarily young women, particularly women under the age of 30.[90]

Reports from public mental health services indicate that those persons most at risk of mental health problems are nonwhite, low income, separated or divorced and with young children, and those with employment problems. In today's society, women are most apt to fit into several of these categories.[91]

Separated and divorced women show many more symptoms of mental disorders than do single women. And among women who are married, those who have low-income jobs and young children show the most symptoms. These poorly educated, low-status, inadequately paid mothers face the greatest number of life demands and are least equipped to meet those demands.[92]

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[86] Report to National Dialysis Registry on patients in reporting U.S. Dialysis Centers, Oct. 1, 1975.

[87] Background material prepared in cooperation with Dr. Jackie Hall, Chair, Women's Council of the Alcohol, Drug Abuse, and Mental Health Administration; and Joyce Lazar, Chief, Social Science Section, Division of Extramural Research Programs, National Institute of Mental Health.

[88] Draft by Marcia Guttentag, Susan Salasin, Wendy Wilson Legge, Helen Bray, *et al.*, "Sex Differences in the Utilization of Publicly Supported Mental Health Facilities: The Puzzle of Depression," Mental Health Services, National Institute of Mental Health, 1976.

[89] *Ibid.*

[90] M. M. Weissman and G. L. Klerman, "Sex Differences and the Epidemiology of Depression," 3d draft of a paper submitted for publication in Feb. 1976 to *Science*.

[91] Guttentag, *op. cit.*

In today's economy, many women have to work. At a minimum, the woman in such case must assume a dual role as homemaker and paid worker. If there are children, and if the job pays poorly, the role she plays becomes even more complicated. She must balance personal and economic resources against these responsibilities. Even when she juggles successfully, there is almost always a great emotional cost.

Economic pressures affect older women also, because so many women outlive their husbands, often adding deprivation to the physical and psychological burdens of aging, widowhood, and recurring emotional losses. For many women at all ages, then, economic problems precede depressive symptoms.[93]

Of course, mental health problems are not limited to women with economic problems. Many women married to successful business and professional men find themselves alone much of the time. Those with young children are almost entirely responsible for rearing the family. Those whose children are grown find a sudden void in their lives. Both groups need educational and service programs to assist them in finding support and fulfillment, to reduce their feelings of loneliness, and to open up new opportunities.

Ms. Anne W. Webb, Office of Mental Health and Mental Retardation, Philadelphia, has found that community mental health centers are treating a disproportionately low number of the elderly. Yet Public Law 94–63 specifies that community health centers *should* provide a full range of services for the elderly.

Attention to mental health of aging women will become increasingly urgent; the U.S. population of people over 65 will climb to well over 25 million by 1985 and 59 percent will be female.

The fact that fewer older women are treated in publicly supported mental health facilities does not necessarily mean that older women have fewer mental health problems, but rather that they are less likely to receive treatment. In a youth-oriented culture where physical attractiveness rather than mental ability is most valued in women, aging can be particularly traumatic to women approaching and into retirement years. The emotional disturbances which accompany women's physical change, problems of reduced economic security, and perhaps relocation, can lead to real despair.

While many women's problems come to attention as emotional disorders, a significant number of women turn to alcohol or drugs in times of stress. Ten years ago one in six people with an alcohol problem was a woman; now this ratio has increased to one in three. In their 1974 survey, Alcoholics Anonymous found that one in every three new members in the previous 3 years was a woman. In 1975, women accounted for 28 percent of AA's total membership.

Recent studies of illicit drug abuse show that sex differences in use of drugs are disappearing, particularly among teenagers.[94] But traditional treatment programs for drug abuse and alcoholism have been designed with males in mind (no child care facilities provided, for example). Because problems unique to women have not been taken into account by many therapists, the woman who does get treatment often finds that the help is not helpful.

To design more appropriate mental health programs, basic information is still needed on women's various life situations, and on how their dependency on hard drugs, tranquilizers, or alcohol is influenced by their restrictive roles, by limited economic opportunities, by low self-esteem, or by difficulties in developing a sense of identity. Much existing data reflects what is known or becoming known about men, but little about women except through inference.[95]

Research to evaluate consciousness-raising techniques, assertiveness training, and other new approaches to restore women's self-esteem and confidence is badly needed as well as evaluation of traditional treatment methods.

The Special Problems of Women Committee sees more balanced staffing patterns in mental health organizations as one way to improve treatment for women. Mental health facilities should be staffed by women and men of all races, ethnic groups, and ages in order to provide empathetic services to a broad range of clients. Whether mental health curriculums are biased in their approach toward care of women needs examination. The role of sex bias in therapy by male or female therapists has had little research. This gap in treatment research needs serious attention.

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[92] Lenore Radloff, "Sex Differences in Depression, the Effects of Occupation and Marital Status," *Sex Roles*, no. 1, Nov. 3, 1975.

[93] Weissman and Paykel, "The Depressed Woman," University of Chicago Press, 1972.

[94] Abelson and Atkinson, "Public Experience with Psychoactive Substances—Part I," Response Analysis Corporation, Princeton, N.J., 1975.

[95] June J. Christmas, M.D., Commissioner, New York City Department of Mental Health and Mental Retardation Services, "Women, Alcohol, and Drugs: Issues and Implications," presented at the National Drug Abuse Conference, Apr. 5, 1975, New Orleans, La.

Because economic stress accompanies mental health problems, the committee emphasizes the need for upward mobility training programs. Occupational therapy and vocational rehabilitation should offer women a broader spectrum of options, including skills and training not traditionally offered them. The implementation of existing affirmative action programs is essential to prevent mental health problems.

These are but a few of the health areas that need to be explored and the evidence evaluated by the committee of health professionals proposed in the above recommendation.

Improving the Economic Status of Household Workers[96]

The IWY Commission recommends that:

1. The Secretary of Labor be directed (a) to improve enforcement of the 1974 Fair Labor Standards Act amendment giving household employees (domestic workers) minimum wage and overtime coverage; and (b) to advertise more widely this coverage through posters in Post Offices and other Federal buildings, in State Bureaus of Employment Services, and through newspapers, periodicals, television, and radio. Furthermore, the Secretary of Labor should make these materials available to and encourage their use by other agencies and service-connected organizations.

2. The Secretary of Health, Education, and Welfare be directed to improve enforcement of the 25-year-old statute extending Social Security coverage to domestic workers.

3. The Secretary of Health, Education, and Welfare be instructed to explore the feasibility of providing vocational education programs with bilingual instruction, where appropriate, for household employees.

Discussion

There are somewhere between 1.5 million to 2.5 million workers in private household employment, and 98 percent of them are female. Estimates of the number of domestic workers are imprecise; however, the 1970 census showed 1,166,000 females and 38,000 males in household services.[97] And the March 1973 Current Population Survey, with a smaller sample, reported 2,263,000 women domestic workers.

Illegal substandard wages and inattention to employer-employee obligations to pay Social Security taxes are common. Many private households have ignored or are not yet aware of the most recent standards: Since May 1974, household workers have been covered by the Federal Fair Labor Standards Act, which sets the current minimum wage at $2.20 per hour, to be increased to $2.30 by January 1, 1977. The Special Problems of Women Committee urges Federal emphasis on enforcing this new legislation, and also the long standing but still-ignored Social Security tax statute. Stepped-up publicity on these requirements is essential.

Census reports indicate that a majority—65 percent to 80 percent—of all household workers are black Americans, and increasing numbers of Latin American and Native American women are entering the occupation. Edith Barksdale-Sloan, Executive Director of the National Committee on Household Employment (NCHE), has told the committee that the average formal education for these workers extends through the ninth grade.

She has emphasized the great need for vocational education programs for household workers, either to improve their skills in their occupation or to train them for related vocations such as child care, emergency homemaking, and care of the elderly. This training should be provided through the national network of State vocational education offices.

In 1973, the median annual income for household workers was $2,243, and the median age was 51 years; 15 percent were 65 or older. Many of these workers are heads of households and responsible for other dependents. They work without paid sick leave, holidays, vacations, retirement plans, or other benefits that most other American employees take for granted.

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[96] Recommendation approved by Special Problems of Women Committee Feb. 3, 1976; by IWY Commission Feb. 27, 1976.

[97] Statistical Abstract of the U.S., 1974, table 571, p. 304.

Women Offenders[98]

The IWY Commission recommends that each State Bar Association review State laws relating to sentencing, and their application, to determine if these practices discriminate against women, and that each State review and, where needed, reform its practices relating to women in jails, prisons, and in community rehabilitation programs, with a special emphasis on:

- **Improved educational and vocational training opportunities in a nonstereotyped range of skills that pay enough to support a family;**
- **Making available legal counseling and referral services;**
- **Increased diversion of women offenders, both before and after sentencing, to community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release; attention to the needs of children with mothers in prison;**
- **Improved health services emphasizing dignity in treatment for women in institutions;**
- **Protection of women prisoners from sexual abuse by both male and female inmates and by correctional officers;**
- **Utilization of State funds to recruit better qualified corrections personnel with the parallel goal of increasing the number of women at all staff levels in correctional institutions.**

The IWY Commission further recommends that State Commissions on the Status of Women be supported by State governments in establishing task forces to focus on the needs of women offenders.[99] These task forces should make regular inspections of all women's detention facilities. Members should include lawyers and judges. Furthermore, the task forces should provide legal counseling and referral services. The press and public should be kept informed of task force observations.

Has There Been an Increase in Violent Female Crime?

Recent sensational articles on the rapid rise in the female arrest rate present an incomplete portrait of the women offenders especially since the bulk of the female crime increase is in economically motivated "property" offenses such as larceny, forgery, fraud, and embezzlement and is often related to drug addiction and abuse. The greatest increase has been for larceny.

Claims are being made that women are becoming more dangerous or that there is an invidious connection with the growth of the women's rights movement.

The statistics behind these pronouncements are found in the FBI's Uniform Crime Reports for 1972, based on 2,430 law enforcement agency records. They show that in 1972, crimes and arrests among women escalated at a rate of 277.9 percent of the 1960 female arrest rate. The increase for male crime between 1960 and 1972 was 87.9 percent.[1] The FBI shows that women offenders now account for 10 percent of violent crime, but in fact this proportion has remained constant over the last 20 years.[2]

The high point in female violence appears to have occurred in the mid-fifties when females accounted for more than 13 percent of all violent crime. Today's figure is one-third lower.[3]

In the past 12 years, as crime detection rates have improved, so have the female arrest rates for certain types of nonviolent crimes increased: embezzlement is up 280 percent for women, 50 percent for men; larceny up 303 percent for women, 82 percent for men; burglary up 168 percent for women, 63 percent for men. "The typical female offender has not committed murder or robbery . . . she is a small scale petty thief often motivated by a poor self-image and the desire for immediate economic gain."[4]

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[98] Recommendations approved by Special Problems of Women Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

[99] An excellent model for such an effort is run by the Pennsylvania Commission on the Status of Women.

[1] In actual numbers, of course, female crime remains a small fraction of male crime; in 1971, approximately 18 of every 100 persons arrested for a serious crime were women, and of those convicted, nine of 100 were women, and only three of every 100 persons sentenced to a State or Federal prison were women (Impact Statement to IWY Interdepartmental Task Force, Law Enforcement Assistance Administration (LEAA), Nov. 24, 1975.)

[2] Laura Crites, Director; Catherine Pierce, Asst. Director, National Resource Center on Women Offenders.

[3] Tom Joyce, "A Review: Sisters in Crime," p. 6, *The Woman Offender Report*, vol. 1, no. 2, May/June 1975.

A potent pressure operating here could be the decline of real income for women from 60 percent of a man's earning in 1969 to 57.9 percent in 1972. In addition, women are facing certain unemployment; they are often the last hired at "equal opportunity" workplaces and the first fired under conventional seniority systems. The 1972 FBI arrest figures, cited above, do not reflect population increases, the absence of males during the Viet-Nam occupation, or the effect of inflation which has pushed up the cost of many stolen articles into the felony range.

Another overlooked factor: statistics from the 1960's often did not separate arrests of males and females. In those days, statistics on women frequently were lumped with those on men or ignored.[5]

Tom Joyce, an ex officio member of the National Resource Center on Women Offenders, has predicted:

> "If the distorted image of an increasingly violent and dangerous female offender takes hold and affects planning policies, such as the building of new female prisons (rather than improving alternative programs), that will cause more harm than good, both for the typical offender and for society in general."

Educational Training

On a national basis, women in prison receive little or no vocational training or job placement assistance which would enable them to support themselves and their children upon release. Education and work release programs for women offenders are substantially fewer than those for male offenders. A 1973 *Yale Law Journal* survey,[6] showed that vocational programs offered to women offenders range from one program to a high of six. The average in female institutions surveyed was 2.7 programs, compared to 10 programs on the average for male institutions. One institution offered 39 vocational programs for its male residents.

Where job training is available in women's facilities, it still tends to reinforce stereotypes of acceptable roles.[7] Charm courses are not uncommon: Four were funded by LEAA grants between 1969–75. Allowable work for women in prison is frequently sewing, laundering, or cooking; women offenders in Georgia have provided maid services to the residents of that State's central mental hospital.

At least 15 percent of the current female population in prisons is "functionally illiterate"[8] (reading below sixth-grade level). Catherine Pierce, Assistant Director of the National Resource Center on Women Offenders suggests that this situation has broad implications for the use and understanding of employment notices, job applications, food stamp applications, and rental and housing contracts by women who are ex-offenders.

Apparently no statistics are being compiled or recorded on recidivism rates and level of literacy. Reading problems can only complicate reentry into society from an institution. How far can the illiterate, ill-trained woman get on one bus ticket and a few dollars? More than half the States gave departing offenders less than $48 each in 1974; two States provided no money.[9]

The Special Problems of Women Committee urges corrections training systems to follow the excellent example set by Washington Opportunities for Women (WOW), which seeks to place female probationers in apprenticeship openings in nontraditional well-paying occupations such as construction, meatcutting, and Xerox repair.

In Houston, One America, Inc. tests and counsels female probationers and parolees for placement in programs to train electricians and plumbers.

The Maryland Corrections Institution for Women in Jessup, Maryland trains women as welders and carpenters. Of 59 women graduating in June 1975 and trained in welding, 41 were placed on jobs. The National Resource Center on Women Offenders,[10] founded by the American Bar Association in June 1975 to gather and disseminate information on female offenders, is a valuable clearinghouse on rehabilitation projects and developments in women's corrections.

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[4] *Ibid.*

[5] Laurel L. Rans, Women's Arrest Statistics, *The Women Offender Report*, vol. 1, no. 1, Mar./Apr. 1975.

[6] Vol. 82.

[7] LEAA Impact Statement prepared for IWY Interdepartmental Task Force.

[8] Sept. 1975 survey by American Bar Association Commission on Correctional Facilities and Services Clearinghouse for Offender Literacy.

[9] Kenneth J. Lenihan, "The Financial Resources of Released Prisoners," Bureau of Social Science Research Inc., Wash., D.C., Mar. 1974 draft, p. 9.

Children of Offenders

Unlike their male counterparts, 70 to 80 percent of women in penal institutions are responsible for children. And upon release, these women must often resume sole support of their children. Without sound vocational training, the returning mother struggles hard to provide, and a simple theft begins to look easy.

Once a mother is incarcerated, the children she leaves at home must be placed with relatives or institutionalized. (There is much evidence to indicate that children of offenders often become the next generation's offenders.) Most female prisons are located in rural isolated areas making visits between mother and child extremely difficult.[11] Because seven States have no institutions for women, female offenders are boarded in nearby States. In these cases, contacts with family and children are often broken.

The committee endorses the concept of community-based residential and nonresidential programs such as halfway houses, work release, training release, and education release—as a way to combine practical education experiences, rehabilitation, and family contact.

The Women's Prison Association[12] counted five States, in a 1972 sample of 24, which contracted with nearby States for imprisonment of female offenders. The Association asked,

> "Why can't these States sponsor a small facility which would house women near their families and lend itself to improved programs for job training, individual counseling, and schooling?"

Establishing facilities becomes most likely when citizen groups press for action. The committee urges local and area Commissions on the Status of Women to act as catalysts for change.

Health Services

The corrections administrators of women's institutions are responsible for appropriate health services. The Special Problems of Women Committee endorses as a guide for those administrators and for Commission on the Status of Women task force inspection teams the standards listed by Mary E. King and Judy Lipshutz in vol. 1, no. 3, *The Women Offender Report.* They include:

- Physical exams given with maximum concern for the woman's dignity;
- Prompt and regular treatment for all illnesses while incarcerated;
- Twenty-four-hour emergency treatment available in State institutions and local jails;
- Insured humanitarian detoxification;
- Proper and confidential medical records on each prisoner;
- Family planning services, including access to contraceptives and family planning education;
- Health education classes for inmates;
- Regular exercise;
- Attention to menstrual and gynecological problems; and
- Female medical personnel included on health staff.

In addition, the committee is concerned that physical exams be administered only by licensed physicians or nurse practitioners, and that treatment for illnesses be both prompt and appropriate.

Staff

Only 12 percent of the correctional work force in the United States are women, and few of those women are in top- and middle-management positions. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals issued a 600-page report listing 130 suggested standards for correction agencies. Section 14.3 called for correctional agencies to recruit and hire women for all varieties of work.

In August 1975, the American Bar Association's policymaking House of Delegates urged corrections systems to increase the number of women and minority group employees at all staff levels. This body asked for special staff attention to the essential job of attracting women, urging special recruitment and training machinery and programs to attain that objective. The committee endorses those policies.

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[10] 1800 M St., NW., Wash., D.C. 20036.

[11] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 31, 1976.

[12] Founded in 1845, 110 2d Ave., New York, N.Y., 10003.

Most jails are not built, programmed, or staffed to look after females. Separation of men and women is difficult, and there are no matrons in some facilities.

Patsy Simms, a freelance writer who has interviewed more than 50 women serving time in southern jails or in work-release programs, has submitted to the Special Problems of Women Committee a report on the absence of matrons where females are behind bars. In many cases she found no matrons at all, or at best "paper matrons"—female radio dispatchers or the wives of jailers and sheriffs. Ms. Simms reminded the committee that a "paper matron" was on duty "two halls and 65 feet away" the night Clarence Alligood died in JoAnn Little's cell.

According to a *Raleigh News and Observer* survey of 47 county jails in the eastern part of North Carolina, only 19 of the counties have 24-hour matron service and adequate separation of men and women. Under these conditions, prevention of sexual abuse is not probable.

Further Inequities in the Justice System

Statutes in several States call for longer sentencing for female offenders than for males for the same offense.[13] Cases upholding disparate legislative sentencing schemes based on sex have reasoned that, compared with male criminals, females are more amenable and responsive to rehabilitation and reform—which might, however, require a longer period of confinement.

Some courts are taking positive action against inequities in the jail system. In ***Barefield* v. *Leach***[14] a Federal court in New Mexico held that female inmates and male prisoners are entitled to equal treatment; and the fact that the number of women offenders is small is no excuse for unequal vocational training, unequal access to legal materials, unequal recreational facilities, or unequal opportunities to earn time off for good behavior.

> "At the time when some professionals in corrections are proclaiming that rehabilitation does not work, we are finding that for most female offenders, rehabilitation has not be tried,"

reports Ruth R. Glick, Director of the National Study of Women's Corrections Programs.[15] In general, no clearly defined philosophy of corrections has been tested and applied to women's correctional programs. Consequently, the large number of institutions and community-based programs seem to lack internal consistency, i.e., "the need to control runs counter to expressed desire to teach women to assume responsibility for their own behavior."

Young Adult Conservation Corps[16]

The IWY Commission recommends that special attention be given to attracting and recruiting young minority women, especially blacks, Hispanics, Asian-Americans, and Native Americans, into the Youth Conservation Corps to a year-round program for young persons up to age 24, and that the President support legislation extending the Corps.

Background

Of the more than three million young persons under age 24 presently unemployed in this country, the group most disadvantaged is the nonwhite minority female youth, ages 16–19. (The committee has had to assume that these figures reflect most racial or ethnic minorities, since further data breakdowns have not been available.)

Compared to a national average of 8.3 percent, the young minority women's unemployment rates in December, 1975, were 37.9 percent for ages 16–19, and 19.6 percent for ages 20–24. Other unemployment percentages for December 1975, for comparison, are:

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[13] Mary E. King, "Working Paper on the Female Offender and Employment," Oct. 13, 1975.

[14] Civ. no. 102–82, Dec. 18, 1974.

[15] An LEAA-funded program, 2054 University Ave., Room 301, Berkeley, Calif. 97404. Quoted in *The Women Offender Report*, vol. 1, no. 3, July/Aug. 1975.

[16] Recommendation approved by Special Problems of Women Committee Feb. 6, 1976; by IWY Commission Feb. 27, 1976.

- Nonwhite young men: 31.2 percent for ages 16–19, 20 percent for ages 20–24;
- White young men: 18.6 percent for ages 16–19, 11.6 percent for ages 20–24; and
- White young women: 16.0 percent for ages 16–19, 9.6 percent for ages 20–24.

Department of Labor statistics for December showed 1,600,000 young people under 19 were unemployed; 1,576,000 ages 20–24. Parts of this large, restless, and unproductive reserve of young people are in danger of becoming a burden to society; on any given day, there are close to 8,000 juveniles held in jails in the United States. The average daily population in juvenile detention facilities (with girls held longer and for less serious crimes than boys) is over 1,200 with close to 500,000 held annually in such facilities.[17]

Starting in the summer of 1971, one experimental approach began to provide learning experiences and employment to jobless youths aged 15–18. Sixty-thousand youths were enrolled in the pilot version of Youth Conservation Corps (YCC), a Federal training-work program in conservation and the environment.

YCC enrollment figures have shown increasing female participation, from 41.3 percent in 1972 up to 49.2 percent in 1975. The percentage of female participation is now almost identical to the national distribution for 15–19 year olds.

Female teenagers have expressed the most satisfaction with the YCC program: 68 percent said they "really liked it" in a 1972 multiple-choice questionnaire, compared to 57 percent of the boys. YCC activities have reached far beyond the usual low-paying or dead end options for minority female youth: both sexes have learned to perform jobs related to reforestation; trail and campground improvement; forest fire fighting; and insect, flood, and disease control on public lands, among others.

There are some initial, and still unresolved, problems with both underrepresentation and dissatisfaction of minorities in the program, however. The underrepresentation resulted from policy and budget restraints limiting recruitment to areas near the YCC camps (away from urban areas), so that most of the campers have been from small towns or rural areas. In 1972, 82 percent of the participants were white; only 7 percent were black; 6 percent American Indian; 3 percent Spanish speaking.

As might be expected, evaluations of the YCC's summer camps have indicated the need to adapt the program to better serve minority groups.[18] The committee urges continued study and effort toward this goal with increasing attention to recruiting a more representative proportion from unemployed young minority women and to providing services to meet the needs of women with limited English-speaking ability.

A bill to amend the Youth Conservation Corps Act of 1970 (S. 2630), introduced on November 6, 1975, seeks to extend the pilot summer format of the conservation training program to a year-round operation for young adults up to age 24. The ultimate employment level could reach more than one million young persons annually with participants seeding grasses to control and prevent erosion, operating tree nurseries and planting seeds or tree cuttings, channeling streams, stabilizing banks, building small dams, fighting grass fires, and building new roads and park areas, among other activities.

Because the Special Problems of Women Committee sees this valuable program as an investment in preserving both natural and human resources and as an excellent training opportunity for young *minority women*, particularly those from the urban setting, the committee urges continued expansion and improvement of Conservation Corps activities.

Minority Women's Employment Programs[19]

The IWY Commission recommends that the

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[17] "Female Delinquency: A Federal Perspective," statement of Mary Kaaren Jolly, Editorial Director and Chief Clerk, U.S. Senate Subcommittee to Investigate Juvenile Delinquency, before the National Congress for New Directions in Female Correctional Programming, June 30, 1975, Chicago, Ill.

[18] Among the reports: John C. Scott, B. L. Driver, Robert W. Marans, "Toward Environmental Understanding, and Evaluation of the 1972 Youth Conservation Corps," Survey Research Center, Institute for Social Research, the University of Michigan, Ann Arbor, Mich., 1973.

[19] Recommendation approved by Special Problems of Women Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

President encourage the expansion by the Employment and Training Administration[20] of Minority Women's Employment Programs to place racial or ethnic minority females in managerial, professional, and technical white-collar positions.

Background

The Minority Women's Employment Program (MWEP) grew out of studies indicating that in six major southern cities minority women were invisible in white-collar employment above the clerical level.

Despite recent progress, minority women continue to be subject to employment discrimination based on race and sex, and they are still highly underrepresented in managerial, technical, and professional occupations, especially outside teaching and medical services. Yet employers are still claiming they cannot find qualified minority women.

The first federally funded pilot project to correct this imbalance and to assist the Equal Opportunity employer searching for job candidates was established in 1972 in Atlanta as the Black Women's Employment Program, now renamed the Minority Women's Employment Program.

The MWEP objective is to recruit and screen college-trained minority women for newly available jobs, especially high-paying jobs requiring special skills or qualifications or jobs which have been filled in the past largely through informal labor market channels.

MWEP activities are based on the outreach technique, a strategy in which staff members seek out persons from the minority community and help them pass screening procedures required for well-paying jobs. Area employers are canvassed for information about specific professional-level job vacancies, pay scales, education and work experience requirements, opportunities for advancement, types of aptitude tests or interviews, and personality traits (sales ability, patience to work with details) they seek. MWEP services are offered free to employers and to job applicants, who get counseling on interview and test-taking techniques or on résumé preparation, as needed.

Since its beginning in Atlanta, MWEP has opened additional offices in Houston, Dallas, New Orleans, Tulsa-Oklahoma City, Cincinnati-Dayton, and Los Angeles. During its life, MWEP has placed more than 300 women, most working in nontraditional occupations and many who are "firsts" in their positions. Before getting their new jobs, about half of all the women placed by MWEP through the spring of 1974 had been seriously underemployed; that is, they were working in jobs not fully utilizing their skills.[21]

Whereas the placement programs were initially designed to assist young black women, MWEP offices are continuing to expand the racial and ethnic diversity of their staffs and their outreach efforts. The Los Angeles headquarters focuses primarily on women in the Hispanic community; Tulsa offices have placed American Indian women as well as Mexican-Americans; and half of the Dallas placements between April and December 1975 were Spanish speaking.

Although not adjusted for inflation, the average starting salaries obtained by placements through MWEP have risen consistently through the third year of the project: contract year 1, $8,806; contract year 2, $9,260; and contract year 3, $9,740. Antoinette Ford, public member of the Special Problems of Women Committee, has recommended that MWEP placement be broadened to assist minority women with associate degrees (from junior colleges) and women who have substantial experience at a career level just short of being considered professional. This second group would include the minority female secretary who is locked into a pay scale equivalent to a GS–5 or GS–6 level (from $9,000 to $12,000). The committee encourages the expansion of MWEP services to meet the needs of these additional groups of minority women in search of jobs that match their education, experience, and abilities.

Bilingual Vocational Training and Education Programs[22]

The IWY Commission recommends that the

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[20] Formerly Manpower Administration.

[21] Robert Glover, Alexis Herman, and Allan King, "Minority Women, Professional Work," *Manpower* magazine, July 1975, p. 10.

[22] Recommendations approved by Special Problems of Women Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

vocational training programs established in 1974 for persons of limited English-speaking ability (and as amended in Part J, the Bilingual Vocational Training Section of the Vocational Education Act of 1968, Public Law 93–380) be significantly expanded and that this vital legislation be extended beyond its current expiration date in December 1976.

The Commission further recommends that Federal and State administrators and State advisory councils for vocational education programs be instructed to insure that limited- and non-English-speaking women be actively recruited to develop marketable skills in higher paying, often male-dominated, jobs.

The Need

One common theme running through testimony before the Special Problems of Women Committee has been the "double" or even "triple jeopardy" that racial and ethnic minority women face in trying to reach economic self-sufficiency and security. Many, especially those with limited English-speaking ability, are locked in dead end, low-paying jobs. English-language proficiency is of utmost importance to women, whose avenues for increasing their incomes are largely in clerical and office jobs because of societal pressures sometimes reinforced by a patriarchal heritage.

The lack of bilingual, job-skill training disturbed most minority groups which addressed this committee in its special hearing on December 29, 1975.

Lily Lee Chen, Director for Special Projects and Resource Development of the County of Los Angeles, Department of Public Social Services, described the large percentage of new immigrant Chinese-American women working in China Town sewing factories where they do not have to speak English and where they are not adequately compensated for this work under very poor conditions:

> "Many Chinese-American women are denied promotion opportunities on the basis of our accent or unacceptable English. If you speak with French or British accents, you are charming. When you speak with Asian or Chinese accents, you are handicapped."

She added,

> "The most important bread-and-butter issue of the new immigrant is bilingual education, and one of the major problems of English as a second language program is the lack of job-skill-oriented curricula."

Betty Fierro, immediate past President of the Mexican-American Women's National Association, estimated that one out of five Hispanic women has completed less than 5 years of school:

> "Hispanic families headed by women earn a mere $4,000 per year. Combine that with the fact that our families are larger and younger than those of the dominant society, and you have an alarming picture of poverty."

As she travels throughout the Midwest, Jane Gonzales, who is a specialist in the Latin American Program of the Department of Civil Rights in Michigan, sees an increasing need for more training programs for Chicano women.

> "Few exist, and those that do are steering women into the lowest paid jobs. The most women can earn on termination of their programs is $2.10 an hour. There are few, if any, programs where wages begin at a minimum of $4 an hour.
>
> "Even in traditional programs, the training is inadequate. You cannot train a Chicana who, maybe because of her limited English skills, has difficulty in asserting herself. Give her 6 months' training and then expect her to make it in the business world? More thought should be given to the individual. Six months' training with little or no supportive services would not help most women."

Thus, the crucial needs for education in this area are complicated when culture gaps alienate many young ethnic and racial minority women from vocational training opportunities. Insensitive teachers and advisors may have language skills without any cultural awareness. They may not realize, for example, that a strong patriarchal heritage could inhibit the teenage girl from seeking employment in better-paying jobs outside a specified circle of traditional "women's work."

Improved teacher training and other projects must be established to promote wider participation of non-English-speaking women. The need is urgent for the teenage girl, who is in the process of determining her life patterns, and for the adult woman, who may be rearing and supporting children under increasingly difficult economic pressures. The mother's lack of language proficiency affects not only her opportunities but also her children's future.

The Legislation

Until Part J of the Vocational Education Act was adopted in 1974, there was no Federal support of bilingual vocational education. This new legislation expires at the end of 1976, and the committee is recommending extension of its short life. With a first-year budget of $2.8 million, Part J is currently funding 21 demonstration bilingual vocational training projects in California, Connecticut, Maine, Michigan, New Mexico, New York, North Dakota, Texas, and Guam. Among these projects are:

- Bilingual (Spanish) vocational training of dental assistants;
- Bilingual (French) training of 25 persons as geriatric aides;
- Bilingual (Spanish and Italian) training in housing maintenance and repair;
- Bilingual (Chinese) program to train Chinese chefs; and
- Bilingual (Indian) program for training mental health technologists.

Nine hundred women are currently enrolled, and at the end of the year, they will represent between 52–55 percent of the students trained under Part J funds. Although women are still overrepresented in clerical training and men in housing maintenance and repair, for example, some inroads are being made. Ten men and 40 women are enrolled in the dental assistant project; four women are in Chinese chef training; and two women take housing maintenance and repair with 58 men.

Administrators of bilingual vocational education programs must continue to intensify their efforts to provide the widest range of marketable job skills to both sexes.

Equal Opportunity Legislation

One of the best approaches to equal opportunity in vocational training, which this committee feels should be incorporated into subsequent amendments of the Bilingual Vocational Training Act, is found in the Women's Vocational Education Amendments (S. 2603), introduced in January 1976.

S. 2603 calls for balanced representation—on the basis of race, color, sex, and national origin—on both the National Advisory Council on Vocational Education and on State advisory councils. In addition, special assistance will be given to programs in counseling, curriculum development, materials, and research and training, which are designed to overcome sex bias in vocational education programs and support services.

A task force study cited in the introduction to S.2603 uncovered the following examples of continuing sex discrimination in vocational education (and this committee points out that the impact of these practices is even more debilitating for low-income, racial and ethnic minority women with limited English-speaking ability):

1. Almost half the girls and women in public vocational education are still being trained in home economics, and [illegible]han one-fourth are being trained in offi[illegible]tices. Very few are being prepared for better paying trades, for industrial and health occupations other than nursing, or for technical jobs.

2. A recent Office of Civil Rights survey of area vocational schools in Santa Cruz, California, identified 17 single-sex vocational education institutions despite the title IX (Education Amendments Act of 1972) requirements to the contrary.

3. A General Accounting Office (GAO) report notes that several States still reinforce traditional job stereotypes in course descriptions.

4. The GAO further reported that sex stereotyping was sometimes encouraged by physically locating traditionally female courses in one building and traditionally male courses in another.

5. At high administrative and advisory council levels, women appear in only token numbers. A random sample of 400 area vocational school directors revealed that men held 93 percent of these positions. No woman is currently a State director of vocational education or a State supervisor in a traditionally male area.

Assessment

This committee urges that the Office of Education move rapidly toward establishing more comprehensive model bilingual vocational education programs and thus realize the Federal leadership in bilingual education first called for by Congress in 1967. Expanded teacher training programs, in-depth research by the National Institute of Education, and a thorough national survey of bilingual program needs are required to achieve this goal.

The 1970 census failed to determine the number of adults of limited English-speaking ability, and the administrators at the Adult Education Bureau (Office of Education) can only estimate that 2.6 million adults might be considered limited English speakers. The draft of a spring 1976 Assessment of the Status of Bilingual Vocational Training for Adults[23] estimates that less than 10 percent of the need is being met by 90–100 vocational training programs that could be considered bilingual (including the 21 federally supported through Part J).

The six authors of the assessment had to track down these programs by visiting regional offices and five key States with larger racial and ethnic minority populations. "The information is not readily available," according to Morris Peterson,[24] one of the authors.

> "People just aren't concerned. They figure if you want a job, you learn English. Our national awareness is open to the need for bilingual elementary and secondary education, but we haven't progressed to recognizing that the adults need attention."

The best chance for an accurate estimate of bilingual education needs will come when the Census Bureau releases results of a spring 1976 survey on "Incoming Education." That projected study would give current language usage by children as well as by adults.

In the meantime, this committee urges State Departments of Education to establish requirements aimed at assuring that the bilingual vocational training needs of women with limited English-speaking ability are given increased attention in the curriculums offered by local school districts.

Revision of State Laws on Bastardy[25]

The IWY Commission recommends that State legislatures review and revise statutes which discriminate against illegitimate children and their parents. More specifically, the Commission recommends that States revise their laws to bring them, as far as possible, into conformity with the law enacted by North Dakota in 1969, which states:

> **"Every child is hereby declared to be the legitimate child of his natural parents, and is entitled to support and education, to the same extent as if he had been born in lawful wedlock. He shall inherit from his natural parents, and from their kindred heir, lineal and collateral. The issue of all marriages null in law or dissolved by divorce are deemed to have been born in wedlock."[26]**

Background

Traditionally, there has been a moral and legal stigma attached to the children of unwed parents. This stigma has also been attached to the mother of such children, but not to the father. The burdens and hardships which flow from this stigma tend to be borne by women, since they usually have custody of the children. By virtue of their unmarried state, these women are not entitled to the usual economic support or inheritance from the natural father.

The incidence of illegitimate birth has risen dramatically in the past decade. In 1973, 13.3 percent of the children born in the United States were illegitimate, a 121.7 percent increase since 1961.[27]

The Ohio Task Force for the Implementation of the Equal Rights Amendment argues that bastardy laws work a hardship on all of the people involved. It found that

> "although children clearly suffer the greatest damage by the operation of the concept of illegitimacy, and mothers have such greater parental obligations and bear a greater social stigma than do the fathers, fathers are also disadvantaged by the operation of the institution. The custodial interests of the putative father are generally ignored. . . ."[28]

The trend in recent court decisions has been to remove many of the legal disabilities traditionally attached to illegitimacy. In *Levy* v. *Louisi-*

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[23] By Dale Berry and others, Kirshner Associates, contract no. 300-75-033.

[24] From a telephone interview, Feb. 1976.

[25] Recommendation approved by Special Problems of Women Committee Feb. 4, 1976; by IWY Commission Feb. 27, 1976.

[26] N. Dak. Cent. Code, sec. 56-01-05 (supp. 1969).

[27] "Wage Garnishment, Attachment and Assignment, and Establishment of Paternity," Senate Committee on Finance, Oct. 1975, p. 216.

[28] A Report by the Ohio Task Force for the Implementation of the Equal Rights Amendment, July 1975, p. 16.

PERCENTAGE* DISTRIBUTION OF THE FEDERAL WORKFORCE BY MINORITY GROUP AND SEX

				Minority Group Employment			
Groupings	*Total employment*	*Total*	*Black*	*Spanish-surnamed*	*American Indian*	*Oriental*	*All other*
Total	100.0	20.6	15.8	3.1	0.9	0.8	79.5
Men	71.4	13.0	9.4	2.5	0.5	0.6	58.5
Women	28.6	7.6	6.4	0.6	0.4	0.2	21.0

*Percentages are rounded independently and not forced to add to totals.

ana,[29] the Supreme Court held that illegitimate children were entitled to equal protection of the law and that the State law constituted an invidious discrimination. In another case, *Glona* v. *American Guaranty and Liability Insurance Co.*,[30] the Supreme Court held that a natural mother was entitled to recover damages for the death of her illegitimate child. In *Weber* v. *Aetna Casualty and Surety Company,*[31] the Court upheld the right of illegitimate children to recover under State workmen's compensation. The Texas practice of denying the right to support of an illegitimate child from its father was overturned in *Gomez* v. *Perez.*[32]

The trend, then, has been toward recognizing the rights of illegitimate children as well as the respective rights and obligations of their parents. In order to reduce legal and economic discrimination against women and their children born out of wedlock, a systematic revision of State laws which maintain an invidious distinction between children of married and unmarried couples should be promptly undertaken.

Briefings for Federally Employed Ethnic and Racial Minority Women[33]

The IWY Commission recommends that Federal executive boards and Federal executive associations across the country be directed to sponsor briefings for women on methods of obtaining information about Federal job opportunities, methods of employment, and promotions. The emphasis in Federal employment should be on increasing the numbers and grade levels of minority women, specifically black, Hispanic, Asian-American, and Native American women.

Background

Women constituted 28.6 percent of total Federal employment in the Civil Service Commission's Federal Civilian Personnel Statistics released in 1972, the most recent report[34] to make available percentages of female ethnic and minority participation in the Federal work force.

In 1972, black women constituted 6.4 percent of Federal workers; Spanish-speaking women, 0.6 percent of Federal workers; American Indian women, 0.4 percent; and Orientals, 0.2 percent.

The committee is concerned that these women of racial and ethnic heritage *still* occupy primarily low-paying, dead end jobs and are concentrated in the most routine clerical work. Of minority women employed by the government in 1972, 51.5 percent were in GS levels 1–4 with 91 percent concentrated in levels under GS–8.

The tables[35] on pages 301 and 302 provide full information on distribution of the work force, from which textual comments are extrapolated.

Consider just one example of the continuing inequities in Federal employment: As of June 30, 1974, there were only seven Hispanic women in management levels (GS–14 and above), although the Spanish-speaking are the

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[29] 391 U.S. 68 (1968).

[30] 391 U.S. 73 (1968).

[31] 406 U.S. 164 (1972).

[32] 409 U.S. 535.

[33] Recommendation approved by Special Problems of Women Committee Feb. 23, 1976; by IWY Commission Feb. 27, 1976.

[34] Reports released on women in 1973 and on minorities in 1974 did not combine these variables.

[35] From Federal Civilian Personnel Statistics, Federal Civilian Employment by Minority Group and Sex, Nov. 30, 1972; SM 72–100, p. 4.

Percentage* Distribution of the Federal Workforce by Sex and by Grade Groupings for White-Collar Jobs

Grade grouping	Total employment Men	Total employment Women	Minority Men	Minority Women	Non-minority Men	Non-minority Women
Total	100.0	100.0	100.0	100.0	100.0	100.0
GS 1–4	9.4	44.3	28.0	51.5	7.1	42.1
GS 5–8	21.7	42.4	33.8	39.5	20.2	43.3
GS 9–11	32.0	10.3	22.4	7.4	33.2	11.1
GS 12–13	27.4	2.6	12.7	1.4	29.3	3.0
GS 14–15	8.8	0.4	3.0	0.2	9.5	0.5
GS 16–18	0.7	0.0	0.2	0.0	0.7	0.0

*Percentages are rounded independently and not forced to add to totals.

second largest minority group in the Federal work force. Five of the Hispanic women listed were GS–14, and only two were GS–18, according to the Federal employment report prepared by the Bureau of Manpower information systems.

The committee believes that regional employee briefings should be initiated to assure that increasing numbers of ethnic and racial minority women are informed about procedures for advancement and that more of these women are selected for upper level jobs.

The committee further urges that the Director of the Federal Women's Programs, Civil Service Commission, encourage the selection of Hispanic, Asian-American, black, Native American, and other minority women as headquarters-level Federal women's program coordinators.

Women in Employment Committee[36]

Statistics on Employed Women[37]

The IWY Commission recommends that:

1. The President direct the Secretaries of Labor and Commerce to expand the collection and publication of data that identifies minority women—including those of Hispanic origin, and black, Oriental-American, and American Indian women. The data should cover employment, earnings, and union membership of such women.

2. The National Labor Relations Board include in its case records the sex and race or ethnicity of the person or persons involved and that this information be collected and made public.

Background

The December 1974 issue of the *Monthly Labor Review* contains an article, "Measuring Union-Nonunion Earnings Differences," which breaks pertinent statistics down into the following categories: all workers, white men, black men, white women, and black women. Although the Hispanic population in the United States is estimated at approximately 16 million, no statistics are offered for this important sector or for other minority groups. This seems to be typical of most data emanating from the government.

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[36] IWY Commission Members: Velma Murphy Hill, Chair. Other Commission members: Weston Christopherson, Hon. Mary Stallings Coleman, Hon. Winfield Dunn, Hon. Martha Griffiths, Patricia Hutar, Ellen Groves Kirby, Ersa H. Poston, Sister Joel Read, and Betty Smith. Public members: Dr. Martha Blaxall, Treasurer of Federation of Organizations for Professional Women; Dr. Alice Cook, Professor Emerita at School of Industrial and Labor Relations at Cornell University; Dorothy Haener, International Representative of United Auto Workers Women's Department; Gloria Johnson, Education Director of International Union of Electrical, Radio, and Machine Workers and Treasurer of Coalition of Labor Union Women; Mary E. King, First Vice President of Association of Women Business Owners; Ada Pena, National Vice President (Midwest) of League of United Latin American Citizens; and Edith Barksdale Sloan, Executive Director of National Committee on Household Employment.

Staff member: Joan Goodin.

[37] Recommendation approved by Women in Employment Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

Secondly, it is impossible to obtain figures on the different groups of minority women who are members of labor unions. There are statistics on the number of women members as a class, and on the numbers of black, Hispanic-origin, and other classes of union members. However, there is no way to ascertain the number of *minority women* in the union movement.

Thirdly, at present the National Labor Relations Board keeps no record of the sex of persons with whom it deals. This information is necessary in order to learn the number of women filing charges for nonrepresentation and sex discrimination as well as other matters handled by the Board.

Since sound public policy on the economic status of women in the United States requires detailed data on their employment, earnings, union membership, and related matters, the committee feels strongly that the above recommendations should be implemented as soon as possible. The information gathered would be particularly helpful in drawing geographic profiles of the economic status of women workers and would be of great help in completing the picture on the national level.

The committee's conviction on this problem is confirmed in the World Plan of Action, adopted at the U.N. IWY World Conference at Mexico City with the support and approval of the United States:

- Paragraph 161—This Plan gives high priority to National, regional, and international research activities, and data collection and analysis on all aspects of the situation of women, since adequate data and information are essential in formulating policies and evaluating progress and in effecting attitudinal and basic social and economic change;

- Paragraph 162—A major difficulty in assessing the economic contribution of women at the present time is lack of or incomplete data and indicators to measure the situation of women as it affects the process of development and is in turn affected by it.

Extending Services of Women Entrepreneurs in Government Business[38]

The IWY Commission recommends that the President:

1. Issue an Executive order establishing as National policy (a) the full integration of women entrepreneurs in government-wide business-related and procurement activities, including a directive to all government agencies to assess the impact of these activities on women business owners; (b) the development of outreach and action programs to bring about the full integration of women entrepreneurs into business-related government activities and procurement; (c) the development of evaluation and monitoring programs to assess progress periodically and to develop new programs; and (d) amendment of Executive Order 11625[39] to add women to its coverage and to programs administered by the Office of Minority Business Enterprise.

2. Direct the Small Business Administration (SBA) (a) to add women to the definition of socially or economically disadvantaged groups as published in the Code of Federal Regulations; (b) to develop a special outreach program to use publicity, workshops, local task forces, national and local media, and community education projects to encourage women to participate in SBA programs (particularly minority women including blacks, Hispanics, Asian-Americans, and Native Americans); and (c) to maintain all relevant data categorized by sex and race or ethnicity for monitoring and evaluation.

3. Direct all contracting agencies to increase the percentage of the annual dollar amount of procurement contracts awarded to women-owned businesses and to maintain records by sex and race or ethnicity for monitoring and evaluation.

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[38] Recommendation approved by Women in Employment Committee Feb. 18, 1976; by IWY Commission Feb. 27, 1976.

[39] Executive Order 11625 of Oct. 13, 1971, "Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise," called for the creation of the Office of Minority Business Enterprise.

4. Direct the General Services Administration to amend, so as to include women, the Federal Procurement Regulations requiring that all firms holding government contracts exceeding $5,000 insure that "minority business enterprises have the maximum practicable opportunity to participate in the performance of Government contracts."[40]

5. Direct the Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), to assure that compliance officers monitor the awards of subcontracts in order to assure that women-owned businesses are equitably treated.

Background

In lieu of a further recommendation on the enforcement responsibilities of the OFCCP to insure against sex discrimination, the Committee on Women in Employment wishes to go on record in support of the recommendations of the Committee on Enforcement of the Laws.

In May 1975, the U.S. Civil Rights Commission released a report entitled *Minorities and Women as Government Contractors.* Of it, Chairman Arthur S. Flemming wrote:

> Our investigations revealed that minority- and female-owned firms encounter problems of staggering proportions in obtaining information on Federal, State, and local Government contracting opportunities in time to submit timely bids, and in obtaining the working capital necessary for effective marketing and bidding. Minority and female entrepreneurs also encounter a great deal of skepticism regarding their ability to perform adequately on Government contracts.

The report also notes that "Small Business Administration officials assert that assisting the development of female-owned businesses is not the current national policy."

Since most women-owned businesses are small businesses, the SBA obviously could be a formidable ally by equitably guaranteeing loans to women entrepreneurs and by getting them to participate in its programs, under the 1974 amendment to its authorizing legislation which prohibits sex discrimination. However, according to the above-mentioned report,

"in FY 1974, SBA loaned 27,485 firms a total of nearly two billion dollars, but female-owned firms . . . received 1,946 loans totaling $90,287,000. This amounted to 4.6 percent of SBA's total loans for that fiscal year."

The SBA is authorized by Congress, in section 8(a) of the Small Business Act of 1953, to contract with Federal agencies to provide goods and services, in turn subcontracting with small businesses which are owned by the "socially or economically disadvantaged." According to the SBA, women are not treated as a minority group because they represent a majority of the population.

However, because Viet-Nam veterans in 1973 were added to the definition of eligibility under the 8(a) program, a substantial basis may exist for the formal inclusion of women, who constitute only a small fraction of the business owners in this country. Criteria for inclusion in this program are based upon the lack of opportunity to develop and maintain a competitive position in the economy because of cultural, social, or economic disadvantages. Such persons include black Americans, American Indians, Spanish-Americans, Oriental-Americans, Eskimos and Aleuts, and now Viet-Nam veterans.

According to the Civil Rights Commission, the policy that white women are not eligible in the special 8(a) program is administrative, rather than statutory, policy:

> Since the U.S. Court of Appeals for the Fifth Circuit has upheld SBA's broad discretion to determine the nature and scope of the 8(a) program and define the class of businesses eligible to participate,[41] it is within the discretion of the Administrator of SBA to decide whether women as a group are "socially or economically disadvantaged" for the purpose of participating in the 8(a) program. Despite the recent enactment of anti-sex-discrimination legislation as an amendment to the Small Business Act, SBA's position is that women as a group are not eligible though individual women may be.[42]

The committee has noted that the SBA, in its impact evaluation statement prepared for the IWY Interdepartmental Task Force, reports that it has begun collecting more data and sharpening its evaluation of effectiveness in delivering program assistance to women in business. Moreover, the statement reports that in the future data will be kept by sex for those program areas which have failed to reflect this factor in the past.

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[40] Chap. 1, Part 1-1, subpart 1-1.13.

[41] *Ray Baille Trash Hauling, Inc.* v. *Kleppe*, 477 F2d 696 (5th Cir., 1973). Cert. denied. Feb. 19, 1974, 415 U.S. 914.

[42] U.S. Civil Rights Commission, "Minorities and Women as Government Contractors," pp. 33-34, May 1975.

With regard to outreach activities, the SBA impact evaluation statement sent to the IWY Commission by the Office of the Administrator says:

> Our Management Assistance Program consists primarily of workshops, small business institutes, and other training sessions which provide technical training such as information on tax problems of small business, inventory accountability, and similar management problems dealt with by the owners of small businesses. . . . This office has suggested that more women might be reached if a special effort to reach business women's groups is made.

As to contracts awarded by government agencies, the same procedure should be followed. That is, records should be kept by sex and race or ethnicity for purposes of monitoring and evaluating. Special efforts must be made to increase the overall percentage of contracts awarded to women-owned businesses. It should be noted that at present most analyses published by government agencies on contract procurement include no breakdown whatsoever by sex.

The above recommendation calls for the inclusion of women in the pertinent sections of Federal Procurement Regulations, in order that women-owned businesses may also be afforded the "maximum practicable opportunity to participate in the performance of Government contracts," as is now the case with "minority business enterprises."

Also of serious concern is the apparent failure of the OFCCP to enforce compliance with nondiscriminatory provisions of its enabling legislation as they pertain to sex. As Commissioner Barbara R. Bergmann stated in her August 1974 paper, "The Struggle of Women in the United States:"

> Unfortunately, Americans have a habit of expressing their good intentions by passing laws, but then failing to enforce them. What is still missing in the United States is an effective strategy for implementation of anti-discrimination laws and also, frankly, the will to enforce these laws. The Office of Federal Contract Compliance is charged with taking action against Government contractors who discriminate, but has been inactive, almost moribund.

Equal Employment Opportunity in Apprenticeship and Training Programs[43]

The IWY Commission recommends that the Secretary of Labor revise the Regulations on Nondiscrimination in Apprenticeship (Part 30—Equal Employment Opportunity in Apprenticeship and Training) to make them consistent with their stated scope and purpose. Specifically, the provisions relating to "affirmative action plans" (sec. 30.4)—including outreach efforts, goals and timetables, the "selection of apprentices" (sec. 30.5), and "existing lists of eligibles and public notice" (sec. 30.6)—should be revised to include women in order that they too may be covered by these provisions.

The Commission further recommends that sec. 30.4(c)(9) of these Regulations, which calls for

> **"Admitting to apprenticeship persons whose age exceeds the maximum age for admission to the program, where such action is necessary to assist the sponsor in achieving its affirmative action obligations,"**

be fully implemented with regard to the admission of women.

Background

The stated purpose of the Regulations on Nondiscrimination in Apprenticeship and Training as set forth in title 29 CFR 30, issued by the Secretary of Labor in 1971, is

> "to promote equality of opportunity in apprenticeship by prohibiting discrimination based on race, color, religion, national origin, or sex."

The policies and procedures established to end such discrimination apply to the recruitment, selection, employment, and training of apprentices, and to all conditions of employment and training during apprenticeship. However, some of these provisions (as mentioned above) apply only to minority groups and not to women. It is the obligation of each sponsor of an apprenticeship program to uniformly apply rules and regulations in a nondiscriminatory manner. However, the applicable regulations on affirmative action plans and goals and timetables do not include sex, nor do they recognize a need to include women in apprenticeship programs. The Commission therefore urges that the word "sex" or "women" be added wherever mention is made of minorities.

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[43] Recommendation approved by Women in Employment Committee Feb. 26, 1976; by IWY Commission Feb. 27, 1976.

Moreover, the Commission urges that age restrictions for admission to apprenticeship programs be waived for women, in order that affirmative action plans may be fully implemented in accordance with sec. 30.4(c)(9) as quoted above. Eliminating upward age limits for women is especially important because such restrictions have the effect of perpetuating prior discrimination against females, many of whom were in their childbearing years during the eligibility period for most apprenticeship programs. Also, women who were anxious to enter apprenticeship training programs in the past and who were discriminated against because of their sex now find themselves again disqualified because of the age limits imposed.

Women and Union Organization[44]

The IWY Commission recommends that:

1. The President ask Congress for legislation to extend U.S. policy encouraging collective bargaining, as provided by the National Labor Relations Act (NLRA), to now-excluded occupations in which women predominate.

2. Unions review the impact on women of all their practices, including negotiation of contracts, representation in grievance proceedings, organizing priorities, and appointment of personnel, and that they correct any practices that are unjust to women.

3. The President appoint to the National Labor Relations Board (NLRB) women and men who know about the obstacles confronting workers—particularly female workers seeking to organize in traditionally nonunionized employment sectors.

Background

The NLRA is not applicable to everyone who works. But from time to time Congress amends the act to include additional groups of employees. For example, employees of hospitals operated entirely on a nonprofit basis were excepted from the act until it was amended by Congress in 1974 (Public Law 93-360). Through that amendment, approximately two and one-half million workers employed in the health care industry came under the protection of the NLRA.

Still excluded from the protection of the act, however, are domestic servants.[45] Currently, 1,141,000 women are employed as private household workers, 98 percent of them women. Yet this occupation is excluded from coverage by the NLRA.

Women constitute approximately 40 percent of the total U.S. labor force of nearly 90 million. The April 1975 statistics of the Labor Department's Employment Standards Administration, Women's Bureau, show that women represent well over a majority of the total number of persons employed in certain occupations: health workers—62.6 percent; teachers (except college)—70.9 percent; clerical workers—77.5 percent; retail sales workers—61.2 percent; and service workers—62 percent. In a 1974 paper, "The Struggle of Women in the United States," Commissioner Barbara R. Bergmann[46] made the following comment regarding occupational segregation:

> . . .about 70 percent of women work in occupations in which women predominate, or are over-represented. . .In 1890, women were "in their place" in clerical jobs, in elementary teaching, in nursing, in light factory work, as retail clerks, in domestic work. The same list is appropriate today.

Of the more than 35 million women workers in the United States, only about four million are members of labor unions. Consequently, most women in the labor force suffer not only from poor earnings, but also from lack of security and of benefits. As Boston Attorney J.F. Goldstein of Angoff, Goldman, Manning, Pyle and Wanger put it when testifying before this committee:

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[44] Recommendation approved by the IWY Commission Feb. 27, 1976. For the version submitted to the Commission by the Women in Employment Committee, see "Original Version," following background comments on the above recommendations.

[45] "A Layman's Guide to Basic Law Under the National Labor Relations Act," *NLRB*, U.S. Government Printing Office, 1971, p. 48.

[46] Professor of Economics and Director, Project on the Economics of Discrimination, University of Maryland. This paper was prepared for a summer school organized by the U.N. Association of Sweden and the U.N. Youth of Sweden, Kungalv, Sweden, Aug. 1974.

> Such issues as part-time work, employer-provided day care, childbearing sabbaticals, flexible work schedules, and opportunities for advancement are all examples of issues important to working women which will only be discussed and implemented through employees organizing and demanding results from employers.
>
> Organization and unionization give women the right to demand certain conditions from their employers and potentially the power to exert their demands on the employer. Without unionization, the employer has no legal obligation to listen to or deal with any employee.

It is felt that many of the issues cited above could be handled efficiently, creatively, and equitably through the collective bargaining process.

In a study "Measuring Union-Nonunion Earnings Differences," published in the December 1974 *Monthly Labor Review*, Bureau of Labor Statistics economist Paul Ryscavage concludes that "union-nonunion earnings differences are substantial." In fact, the study shows that hourly wage rates for union members in craft and operative sectors were from 15–20 percent higher. For women in clerical, operative, and service jobs (those categories in which women are most numerous), union members earned from 20–25 percent more than their nonunion sisters. Thus union membership represents one means through which the economic status of employed women may be improved.

In addition to the implicit social benefits from improving women's status in the job market, there are overall gains to be won for the economy in general. As Commissioner Bergmann stated in her aforementioned paper of 1974:

> The United States needs a vigorous program to improve the economic position of women, or the present worsening trends in women's unemployment, wages, and welfare dependence will continue and accelerate as more women enter the labor market.

The October 1975 AFL–CIO Convention declared that organizing the unorganized is "the most compelling task we face." A resolution adopted by the Convention states that

> "the aim and purpose of the labor movement is to advance the welfare of working people. . .We must always keep in mind that if our standards are higher today and we enjoy the benefits of industrial democracy, it is only because others, in turn, have helped us to organize."

The organizing program adopted as part of this resolution especially emphasizes workers

> "for whom collective bargaining is essential for raising above even the minimum standards of decent family living; the whole range of white collar occupations, professional, technical and clerical; and employees in the many service trades."

As indicated at the outset, these are some of the very areas in which the majority of women workers are concentrated.

Moreover, the AFL–CIO strongly and effectively supported the enactment of the Civil Rights Act of 1964, as well as the Equal Employment Opportunity Act of 1972, which amended title VII by extending its coverage and empowering the Equal Opportunity Employment Commission to bring civil suit in Federal court.

> "It continues to support equal opportunity as well as other forms of civil rights through the Leadership Conference on Civil Rights and its own civil rights department."[47]

Nevertheless, a review of cases filed under the Equal Pay Act and title VII of the Civil Rights Act indicates that some union practices have tended to be discriminatory with regard to women. As stated in the above-cited article:

> Among international unions and local unions, in and outside the AFL–CIO, there is much variation in policy ranging from enthusiastic support to outright hostility on the part of a few, with relative indifference on the part of most.

The article goes on to mention the positive steps taken by some unions, including the International Union of Electrical, Radio, and Machine Workers (IUE); Woodworkers; United Auto Workers (UAW); Brotherhood of Railway and Airline Clerks; Cement, Lime and Gypsum

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[47] Herbert Hammerman and Marvin Rogoff (EEOC), "The Union Role in Title VII Enforcement," Spring 1975, *Civil Rights Digest*, p. 22.

Workers; United Electrical Workers; and Textile Workers Union. Thus, given the variety of responses to the question of discrimination based on sex, the committee believes that a review by unions of their overall practices would be most beneficial.

With regard to the third recommendation above, the Women in Employment Committee believes that only those with knowledge and experience in the field of labor relations and fair representation should be appointed to serve on the NLRB.

Original Version

The committee's recommendations on organizing women as originally proposed were as follows:

1. The committee recommends (a) that women, who constitute a pool of low-wage, unorganized workers employed in predominately female industries and occupations, seek the advantages of collective bargaining; and (b) that labor unions continue and intensify their organizing efforts among women.

2. The committee requests the President to ask Congress for legislation to extend current U.S. policy encouraging collective bargaining, as provided by the terms of the NLRA, to excluded occupations in which women predominate.

3. The committee requests the President to appoint to NLRB women and men (a) who know about the obstacles confronting workers—particularly female workers seeking to organize in traditionally nonunionized employment sectors, and (b) who are committed to preventing employer-created obstacles from obstructing union organization.

Women and Employment[48]

Because a disparate proportion of all poor families are headed by women and because women are the last hired and the first fired, the IWY Commission urges the President to assure equitable treatment of women in employment by implementing the Employment Act of 1946 and by reviewing federally funded training programs.

UNEMPLOYMENT RATES BY PERCENT*
1948–75

	All workers	*Men*	*Women*
1948	3.8	3.6	4.1
1949	5.9	5.9	6.0
1950	5.3	5.1	5.7
1951	3.3	2.8	4.4
1952	3.0	2.8	3.6
1953	2.9	2.8	3.3
1954	5.5	5.3	6.0
1955	4.4	4.2	4.9
1956	4.1	3.8	4.8
1957	4.3	4.1	4.7
1958	6.8	6.8	6.8
1959	5.5	5.3	5.9
1960	5.5	5.4	5.9
1961	6.7	6.4	7.2
1962	5.5	5.2	6.2
1963	5.7	5.2	6.5
1964	5.2	4.6	6.2
1965	4.5	4.0	5.5
1966	3.8	3.2	4.8
1967	3.8	3.1	5.2
1968	3.6	2.9	4.8
1969	3.5	2.8	4.7
1970	4.9	4.4	5.9
1971	5.9	5.3	6.9
1972	5.6	4.9	6.6
1973	4.9	4.1	6.0
1974	5.6	4.8	6.7
1975	8.5	7.9	9.3

*Bureau of Labor Statistics.

Background

As the above table indicates, since 1948, with the exception of 1958, unemployment rates for women have been consistently higher than for men. While the size of the gap between unemployment rates for women and men has varied over the years, there has tended to be a fairly consistent widening between the two. In 1960, for example, women had a jobless rate of 5.9 percent compared with 5.4 percent for men, a gap of 0.5 percent. In 1975, joblessness among women was 9.3 percent compared with 7.9 percent among men, a gap of 1.4 percent.

Original Version

The committee's recommendation on full employment as originally proposed was as follows:

The committee recommends that we call upon our elected representatives in government to commit themselves to developing an economic bill of rights that will affirm the right of every American who is able and willing to work to a suitable job at decent wages. This is particularly important since women consistently have higher unemployment rates than men and are in need of such a policy. We need a mandate for all agencies of government, including the Federal Reserve Board, to enforce this commitment through appropriate policies. We must assure that the goal of full employment is not sacrificed in the interest of any other economic goal. We need legislation requiring the President and the Congress to prepare budgets and devise programs which will reduce unemployment to no more than 3 percent, and hopefully less.

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[48] Approved by IWY Commission Feb. 27, 1976. For the version submitted to the Commission by the Women in Employment Committee, see "Original Version," following background comments on this recommendation.

Statistics must include discouraged job seekers, who are disproportionately women, as part of the unemployed.

Women in Power Committee[49]

Preface

Members of the Women in Power Committee agreed from the beginning that the real problem confronting women in American society is lack of power. Few women are in positions where policy is either made or implemented. The reasons are both simple and complex, a fabric of entwined cause and effect. History, unfortunately, documents few periods in contrast.

Rather than embark on a major study of this condition, using scholarly work available or underway, it was agreed to narrow the committee's work to four areas: labor union women in leadership roles; appointments to State boards and commissions; campaign finance laws as they affect female candidates; and full participation of women in political parties. No recommendations have been made in the highly influential fields of business, science, medicine, or law. These areas are so sexist that they could not possibly be dealt with in the 4 months allotted for consideration, though the committee hopes that funds for such studies will be made available in the future.

Notwithstanding increased attention from the media and greater public acceptance of women as participants in American public life, the proportions of women currently holding appointive or elective office are strikingly low. Women hold roughly 5 percent of all the public offices in the United States. Yet women constitute 53 percent of the voting population in the United States and about 40 percent of the U.S. labor force.

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[49] IWY Commission members: Ella T. Grasso and Hanna Holborn Gray, Co-Chairs; Anne L. Armstrong, Bella Abzug, Audrey Rowe Colom, Winfield Dunn, Rita Z. Johnston, Ersa H. Poston, and Gerridee Wheeler. Public members: Liz Carpenter, Vice President of Hill and Knowlton; Evelyn Cunningham, consultant; Barbara H. Franklin, Commissioner of U.S. Consumer Product Safety Commission; Olga Madar, President of Coalition of Labor Union Women; Elly M. Peterson, consultant to National Center for Voluntary Action; Delores Tucker, Secretary of the Commonwealth of Pennsylvania; Julia M. Walsh, Vice-Chair of the Board of Ferris & Company; Sarah Weddington, attorney; and Betsey Wright, Director of Women's Education Fund.

Staff member, Nancy Arnesen.

The Women in Power Committee contracted for special work by the Center for the American Woman and Politics, Eagleton Institute of Politics; and Women's Educational Resources Department, University of Wisconsin Extension.

In a broad sense, women are underrepresented in public life because social conditioning and social institutions do not prepare and encourage women to assume public roles. From the early childhood socialization process through the assignment of adult responsibilities on the basis of rigid sex role divisions, women have been allocated to the private sphere at home while men have been directed into the public sphere in the world at large.

In order to increase women's participation in the public world, we must effect change in patterns of social conditioning as well as in social institutions. We must move simultaneously and steadily in several directions at once in order to broaden the aspirations of American women and to widen the routes of access to our political institutions. In educating and socializing new generations of American women, we must build women's self-confidence and motivation for participation in public life. In widening access to political institutions, we must work to remove barriers of discrimination and of ignorance. We must spread the word that political officeholding, public participation, and social responsibility are the right and the obligation of everyone.

Significant changes in patterns of public participation could be effected by modifying social conditioning and social institutions for three different groups of American women:

First, assistance must be provided to those few women who are *already active in public life*. Occasions should be provided for political women to meet and exchange ideas; sponsor conferences, workshops, seminars, and other forums for sharing experiences; and for assisting women to build a women's political network. Technical assistance should be offered to political women so that they can stay in public life, function successfully, and expand their effectiveness. The development of new organizations of political women should be supported and encouraged. Communication among them should be supported by encouraging the development of newsletters and other vehicles of communication.

Second, help must be given those women who are not yet in public life, but who are *aspiring to public participation* and who could be reached and motivated to become active. Aspiring women must be reached through educational projects, affirmative action efforts, talent banks, and special training programs. Schools of continuing education and extension divisions of colleges and universities across the country should be encouraged to design relevant programs for training mature women to become active participants in the public life of their communities.

Third, help must be given those *future American* women now growing up. Educational programs, curriculum materials, and textbooks must be developed to inspire young girls to include among their life goals an active place in public life. Schools must work to broaden options for young women by teaching them that they can aspire to public power. Schools must work to counteract the negative effects of apathetic families, sex-stereotyping in child rearing, and an absence of role models for girls who wish to see women functioning successfully in the world outside the home.

RECOMMENDATIONS

Appointment of Women to State and Local Boards and Commissions[50]

To Governors the IWY Commission recommends that:

1. All States have available a current, accurate, and centralized list of State boards and commissions and their memberships. This listing should be easily and publicly available at cost to any interested person or organization. The currency of the list should be maintained by the appointments staff of the Governor's office and regularly monitored regarding the appointment of women.

2. In view of the facts, (a) that the present range of women on State boards and commissions extends from a low of 8 percent in Mississippi to a high of 23 percent in Iowa, (b) that no State has as many as 25 percent, and (c) that a majority of the State boards and commis-

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[50] Recommendations approved by Women in Power Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

sions have no women members.[51] Governors set as a goal for 1980 a significant increase, and by 1985 equal membership of men and women serving on all State boards and commissions. Concerted efforts should be directed toward those areas which currently have low proportions of women, with special attention to increasing the proportions of women on boards with small numbers of members.

3. Governors appoint significantly increased numbers of women as presiding officers on boards or commissions.

4. Governors designate an officer on the appointments staff to be responsible for seeking out women for appointment.

To women's groups involved in the appointment process the IWY Commission recommends that:

5. In States where there does not already exist an organized network of persons who can be called upon for women candidates to fill vacancies in State government, such networks be developed by coalitions of women's organizations or by a Commission on the Status of Women. Wherever possible groups should develop a consensus on candidate(s) for the appointment being considered.

6. Women's organizations increase efforts to secure commitments from all candidates for office to appoint women when they win election.

To foundations the IWY Commission recommends that:

7. Foundations support the efforts to establish women's centers and State-wide networks that will develop systems that aid women seeking appointments.

To Federal, State, and local governments the IWY Commission recommends that:

8. Appointees to government boards and commissions, task forces, and advisory councils on all levels be offered agency office support services and actual expense reimbursement regardless of residential location or meeting place.

Background

Norma Briggs, Executive Director of the Governor's Commission on the Status of Women (Wisconsin), in a report[52] to the Women in Power Committee, stated:

> . . . An exhaustive roster or computer full of names is democratic and superficially businesslike. However—let's face it—appointments are usually made on a personal as well as the impersonal, merit, level. The person appointed is usually honored and gratified at public recognition; the person asked to recommend a name is equally flattered.
>
> Other qualifications being equal, it is far more likely that an appointment will go to the individual who is a known supporter of the appointing authority, or at least a member of the same political party. . . The ties of loyalty serve several purposes—apart from the rather crass concept of rewarding one's friends, there is the idea that one can better trust someone who has served on the same team; that the supporter will take more seriously the obligation to serve in the appointive position conscientiously and will be less likely to do or say anything that might publicly embarrass the current administration. . . .
>
> Instead of pouring our energies into setting up an alternative system that can at best only *suggest* candidates, I think we should reserve much of our effort to understanding and integrating the system or systems that already exist. . . Women who are thinking of supporting a candidate should point out the incumbent's (usually sorry) record to date and extract a public commitment from their candidate that he or she will make appointments more representative of the citizenry as a whole. Once elected it is hard for her or him to go back on campaign promises, especially if she or he knows supporters are not only watching but prepared to help identify women qualified for appointment.

The following summary statements, based on a study of 2,134 boards and commissions in 39 States,[53] offer important insights into the paucity and uneven distribution of women on such State bodies:

On the average, a State board or commission contains only 15 percent women. Among States the proportions range from 8 percent in Mississippi to 23 percent in Iowa, Arizona, Hawaii, and Washington. Regional variations are not large. Average proportions of women within some regions range from 12 to 17 percent.

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[51] Study by the Center for American Women and Politics, Eagleton Institute of Politics, Rutgers University, "Women Currently Serving on Boards and Commissions in the States," Jan. 1976.

[52] Dec. 10, 1975, New Haven, Conn.

[53] Preliminary findings, Eagleton Institute study, *op. cit.*

States with a higher proportion of appointed officials are slightly more likely to have a higher proportion of elected women officials. However, since the correlation is only +.4 on a scale from 0 to 1.0, we cannot conclude that appointment of women to boards is the same phenomenon as election to office. For example, in New Hampshire the proportion of women appointed to boards is one of the lowest (10 percent); yet New Hampshire has the highest proportion of women in the legislature (24 percent). Therefore, two separate processes may be at work determining the percent of women in these two areas of public life.

The political party of the 1976 Governor does not seem to be related to the average proportion of women on State boards. On the average, the Democratic- and Republican-led States show the same proportion of female representation.

Proportions do not change if either the Republican or Democratic Party has dominated in recent years.

Some 53 percent of State boards and commissions have no women members. In some functional areas, women are almost totally missing!

Women are more likely to be concentrated in greatest proportions on those boards concerned with the welfare of children, youth, and the aged, with an average proportion of 35 percent; health, with an average proportion of 20 percent; and education, with an average proportion of 18 percent.

On the other hand, fewest women members are found on bodies concerned with labor (11 percent), public utilities (8 percent), environmental protection (7 percent), business regulatory (7 percent), economic and industrial development (6 percent), and transportation (4 percent).

Full Participation of Women in All Activities of Political Parties[54]

The IWY Commission recommends that:

1. The political parties adopt written plans to assure equal representation of women in all party activities, from the precinct to the national level, with special emphasis on equal representation on the delegations to all party conventions.

The national parties create an affirmative action office for women. Women's caucuses and other women's organizations within the party should participate in the selection of its personnel and in the design of its program, which should include greatly improved financial assistance for female delegates and candidates.

National parties sponsor conferences for women on State and regional levels to cover such topics as party positions on policy issues, aid to candidates, and campaign skills.

2. National political parties, long committed to the ratification of the Equal Rights Amendment, have the direct responsibility of seeing that this amendment is ratified by the 1979 deadline. State officials elected as part of their parties should assume their responsibility in obtaining ratification.

Background

In our delegate selection rules we have an affirmative action section, a very meaningful section, a good section. The problem with affirmative action is that even though the words are there, the commitment to those words is not always easy to watch. In other words, women and minorities are the ones who end up monitoring the commitment of the party. We always put those who are aggrieved in the position of monitoring the safeguard of their own position. We have a Compliance Review Commission that goes over State affirmative action programs. Once they are approved, the next step is missing; there is no one to monitor the program, to see that it is upheld.[55]

It's a long, long story but what basically happened at the March 1974 Republican Party meeting is that we lost the key to the enforcement mechanism. The last line said, "In order to assist the States and at the request of any State, Republican National Party will so review and comment on such State programs." By a vote of 75 to 74 the national committee voted to delete this provision. This means that we as Republican women in the different States from the grass roots level are going to have to do the whole job ourselves, keep records, know the rules and try to make a base for challenge if a challenge is necessary.[56]

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[54] Recommendation approved by Women in Power Committee Dec. 17, 1975; by IWY Commission Jan. 16, 1976.

[55] From testimony given to the Women in Power Committee, Austin, Tex., Nov. 10, 1975, by Koryne Horbal, Chair of the Democratic Women's Caucus of the National Democratic Party.

Judiciary Study of Women on the Federal Bench[57]

The IWY Commission requests that the Judiciary Department (Administrative Office of the U.S. Courts) conduct a review for public distribution of all women serving and who have served on the Federal judiciary. This study should include not only names and positions of women judges, but also biographical information, the history of the appointment, and the name of the appointing official. It should include also the total number of judges and of minority judges, both male and female.

Background

Data collecting is a major concern of both the Mexico City World Plan of Action and of the IWY Commission. The historic information needed to buttress the IWY Commission's strong support for the appointment of women in the Federal judiciary is not now available.

Increasing the Number of Women Serving in the Judiciary[58]

The IWY Commission recommends that the number of women serving in the judiciary be increased. The President and, where applicable, Governors should significantly increase the numbers of women appointed as judges, particularly to appellate courts and supreme courts.

Background

The Commission recommended on December 5, 1975, that the Administrative Office of the U.S. Courts do a study of women who have served or are serving on the Federal bench. According to the report sent to the IWY Commission on January 6 from William E. Foley, Deputy Director of the Administrative Office of the U.S. Courts, only 10 women have been appointed, and 7 women currently serve on the Federal courts, including one on a circuit court of appeals.

The Women's Bureau, Department of Labor, has stated that, according to the 1970 decennial census, there were a total of 11,380 "judges" throughout the United States. Of these only 869 were women. No surveys of county and city judges were located.

Recommendations on Reimbursement for Delegates to National Political Party Conventions[59]

The IWY Commission recommends that State legislatures adopt North Dakota's laws and practices for reimbursement of delegates to national political party conventions.

Background

North Dakota's law reads as follows:

> 16-17-18.1 Expenses of delegates to national conventions.—Every delegate to a national convention of a political party recognized as such organization by the laws of the State of North Dakota, shall be paid from the State treasury the amount of his actual necessary traveling expenses, as his account may be audited and allowed by the State auditing board, for actual attendance at the convention, but in no case shall the amount so audited, allowed and paid, exceed the sum of two

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[56] From testimony of Bobbie Kilberg, Republican Women's Task Force of the National Women's Political Caucus at the Women in Power Committee Meeting, Oct. 6, 1975, Wash., D.C.

[57] Recommendation approved by Women in Power Committee Dec. 4, 1975; by IWY Commission Dec. 5, 1975.

[58] Recommendation approved by Women in Power Committee Jan. 8, 1976; by IWY Commission Jan. 16, 1976.

[59] Recommendation approved by Women in Power Committee Jan. 16, 1976; by IWY Commission same day

> hundred dollars for each delegate allowed by the political party.
>
> Delegates of political parties elected for such national conventions are not subject to the direct primary law, and shall be certified in like manner as nominations candidates of such parties for election to public office. Every such delegate to a national convention which nominated candidates for president and vice-president shall subscribe an oath of office that he will uphold the constitution and laws of the United States and North Dakota, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by the voters at said election. There is hereby appropriated out of any monies in the State treasury a sum sufficient to pay the expenses of such delegates to a national convention, which sum shall not exceed the amount provided for in this section.

The Commission's recommendation applies to both men and women. Lack of money, however, hampers women much more than men in freely participating in political life. Many families could not afford the costs of attending party conventions. Many women have at best limited control over the disposition of family funds, even when family income is adequate to cover such costs.

Public Financing of Campaign Expenses at State and Federal Levels[60]

The IWY Commission recommends that a special committee of the National Clearinghouse of the Federal Elections Commission, or a similar body of any newly established commission, be appointed to assess the national and State public campaign finance laws for their impact on women. Fifty percent of the committee members should be females, including women experienced in campaign procedures. The study should cover the entire election year of 1976. The committee should compare various forms of public financing, especially at the State level, to determine which methods provide incentive for women to become candidates. Alternative forms of qualifying for public financing should be investigated for their incentive value, including:

1. Sufficient petition signatures in lieu of money to meet qualifications for collecting public campaign funds.

2. Matching money given on a sliding ratio basis after a relatively low threshold of funds has been raised by a candidate.

3. Incumbents' franking and related privileges be limited by law, to make up for the unavailability to nonincumbents of such privileges.

Background

Women generally have limited money to run a campaign, and they have more difficulty raising money for a campaign. All relevant studies over the past 5 years support these statements. Therefore, public financing can only help female candidates. Often very little money can make the difference between filing and not filing. However, the system has not operated long enough to be evaluated as an unqualified asset for women candidates and requires careful examination. Under title II of the U.S. Code, 438 (b) (under the duties of the Federal Elections Commission, the Clearinghouse Functions), the kind of study proposed by this committee is a possibility. Though the Supreme Court on January 30, 1976, struck down the enforcement functions of the Federal Elections Commission, the education and clearinghouse functions were not considered unconstitutional. The decision[61] states that these functions may continue if the commission is not reconstituted.

The newness of the law also signals the great need for public education. Few understand the law; in general, women more than men are likely to lack the legal and bookkeeping knowledge necessary to understanding.

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[60] Recommendations approved by Women in Power Committee Feb. 12, 1976; by IWY Commission Feb. 27, 1976.

[61] *Buckley* v. *Valeo*, 75 USC, sec. 436. The decision reads:

"Insofar as the powers confided in the Commission are essentially of an investigative and informative nature, falling in the same category as those powers which Congress might delegate to one of its own committees, there can be no question that the Commission as presently constituted may exercise them."

Matching funds should not be the only way to get money. The use of petitions in lieu of money has been advocated by many appearing before Congress. The system needs careful guidelines but the general concept is worthy of study.

The proposal for matching funds is similar in purpose. A major problem with this system is raising the initial money to be matched. Broad-based fundraising is expensive. Therefore, a system with a relatively low threshold for receiving the first matching payments, but a threshold still high enough to avoid frivolous candidates, should be reviewed.

Matching funds might begin after the candidate had raised 10 to 15 percent of the total allowable campaign expenditures. A sliding scale could be developed to match earlier funds raised at a lower ratio than later funds. For example, from 15 to 25 percent of the limit, each candidate-raised dollar could receive $.50 in matching funds. After 25 percent, candidate-raised money could be matched equally up to the limit.

Incumbent privileges, such as franking, are well covered by the testimony of Jane McMichael, Executive Director of the National Women's Political Caucus, before the Committee in Austin, Texas, November 10, 1975:

> Questions concerning the constitutionality of the law have overshadowed, however, certain issues of particular concern to women candidates—issues which make it ever more difficult for women to be elected to Federal office. Thus, while certain Washington wags have dubbed the law "The Lawyers' and Accountants' Relief Act," I am more inclined to refer to the new legislation as the "Incumbents' Relief Act"—for the law is just that. In operation—as well as by congressional intent—the law will work to protect the already privileged position of the incumbent. Since most women candidates in Federal elections are challenging incumbent male officeholders, the new Federal law poses acute problems for women candidates.

Women in Decisionmaking Positions of American Labor Unions and of all Collective Bargaining Organizations[62]

The IWY Commission recommends that:

1. Private foundations give special attention to requests, from organizations such as the Coalition of Labor Union Women and State schools of industrial and labor relations, for research projects that will collect data on female employees and elected officials in the labor unions. These studies should emphasize the level of decisionmaking.

2. Leadership programs for working women in the labor education programs conducted by industrial and labor relations schools at many postsecondary schools, be greatly expanded and upgraded. Labor education departments should be expanded, and should include more courses and more teaching opportunities for working women.

3. The confidentiality section of title VII of the Civil Rights Act of 1964 be repealed. It seriously limits public access to information needed by women seeking higher level union positions.

Background

All available evidence, often limited and out-of-date, suggests that the higher levels of decisionmaking in American unions rarely include women, even when membership in these unions is predominately female. In order to help union women as they seek these elected positions—and in some cases nonelected positions—pertinent data should be made available from unions at all levels—local, State, and national—to support these women.

Some of this information is collected by the Equal Employment Opportunity Commission under title VII of the 1964 Civil Rights Act. EEO–1 Employee Information Report asks all employers of 100 or more to report total male and female employment, plus minority male and female totals (Negro, Oriental, American Indian, and Spanish-surnamed) in categories of officials and managers, professionals, technicians, sales workers, office and clerical, skilled craftsmen, operators, laborers, and service workers. This information if made available by unions would constitute a good start in any efforts to increase the participation of women. Yet only the aggregate figures are available. All other information is confidential.

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[62] Recommendations approved by Women in Power Committee Jan. 26, 1976; by IWY Commission Feb. 27, 1976. This recommendation is endorsed also by the Women in Employment Committee.

Testimony before the Women in Power Committee in Austin, Texas, November 10, 1975, by Barbara Wertheimer, Director of Trade Union Women's Studies, N.Y. School of Industrial and Labor Relations, Cornell University, underscores the need for such data:

> Three-fourths of unionized women belong to 21 labor organizations out of a total of 212 such organizations and associations. Over one-half belong to just 12. Women make up one-half or more of the members in 26 unions or employee associations out of a total of some 212. The two big garment unions, as you might expect, lead in the number and percentage of their members who are women. Between them, the International Ladies Garment Workers Union and the Amalgamated Clothing Workers of America claim some 560,000 women members out of their total memberships of 700,000. Nine other unions in order of their numbers of women members are: International Brotherhood of Electrical Workers, Communication Workers of America, International Brotherhood of Teamsters, United Automobile Workers, Service Employees, United Steelworkers of America, International Union of Electrical Workers, Retail Clerks International Association, and the Hotel and Restaurant Workers.

Unfortunately, very little data is available on the numbers of women in decisionmaking positions in these unions.

U.S. Interdepartmental Task Force for IWY, 1975[63]—Report and Recommendations

When the U.S. Commission for the Observance of International Women's Year was created by Presidential order in January 1975, a parallel body, the Interdepartmental Task Force for IWY was authorized, to consist of at least two representatives, a woman and a man, from each governmental department and agency. Its job was to plan and implement projects within the Federal Government for the domestic observance of IWY.

Considerable thought went into defining an appropriate mission for the task force. The first real inspiration as to how the task force could best serve the goals of International Women's Year came from a U.S.-sponsored resolution at the Mexico City IWY Conference which called upon the United Nations to assess the programs of all its agencies in terms of their impact on women. If we would require the United Nations to undertake this self-evaluation, why not carry this concept into the Federal Government and ask it to make a candid examination of its programs as they affect women?

On August 1, the representatives of the 50 constituent agencies of the IWY Task Force met for the first time in the Department of State. Acting Secretary of State, Robert Ingersoll, opened the meeting by describing the World Plan of Action which had been unanimously adopted at the U.N. Conference on International Women's Year in Mexico City and which set guidelines directing national governments to accelerate the full participation of women in the economic, social, political and cultural lives of their countries. A quick glance at the section titles of the World Plan shows their relevance to the activities of our own government in such areas as health and nutrition, housing and related facilities, education and training; in fact, the Plan relates to all the Federal agencies in its call for priority attention to extensive data collection and analysis relating to women.

As an essential step in implementing those parts of the Plan which are relevant to our stage of national development, Mr. Ingersoll suggested that the Federal bureaucracy assume the responsibility of examining its programs in terms of their actual and potential impact on women. For example, existing standards and arbitrary restrictions limit the number of women eligible for military service. What might be the effects on education, health, and income of women if this were not so? Would not women benefit from the free health care, educational, income, and retirement advantages and leadership training that accrue to men in the service?

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[63] The Interdepartmental Task Force, whose activities are reflected in this report, was made up of men and women representing 50 Federal agencies and departments. Staff members: Maxine Hitchcock and Richard Simonson (HEW).

Is there discrimination against women in "manpower" training and in programs operated under revenue-sharing? Are small business credit and loan programs actively increasing opportunities for women in these areas? Are our nutrition programs assessed as to their effect on women and their families? Are women's needs taken into consideration in transportation planning? Are women getting their fair share of Federal contracts and grants? These and other questions Mr. Ingersoll hoped would guide agencies to examine their programs with a fresh and critical eye. And lest this mandate sound too preferential, he pointed out that improvement in the living and working conditions of women in the United States would unquestionably result in improvement in the lives of all our citizens and in a stronger and healthier society.

Jill Ruckelshaus, Presiding Officer of the U.S. Commission for the Observance of IWY, then described the activities of the 13 committees of the Commission. The Commission, she explained, is directed by Executive order to maintain close liaison with government agencies and is empowered to request any agency to furnish it with such information as may be useful for the fulfillment of the Commission's function.

On behalf of the Commission, Ms. Ruckelshaus requested the cooperation of each agency in carrying out the studies suggested by Mr. Ingersoll. She stressed the value of this assessment to the work of the Commission in framing its recommendations for a final report to the President. Each agency was requested to make a realistic analysis of a representative sample of its programs in terms of their impact on women as beneficiaries and participants; and if upon assessment the impact was judged not to be beneficial, an examination of alternative programs should be undertaken to insure more positive results.

In addition, agencies were asked to describe what significant efforts departments had made during IWY 1975 to further the objectives of IWY—equality, development, and peace. A deadline of November 31, 1975 was suggested for the reports.

Help in assuring that the request for impact evaluations would receive some serious consideration came from James Lynn, Director of the Office of Management and Budget (OMB). In an appearance at the second meeting of the task force, on September 9, 1975, Mr. Lynn strongly endorsed the procedure. He recognized that the time allowed to prepare the evaluation reports was somewhat short, but felt the process to be of sufficient worth that even a "quick and dirty" job would have value—

> "I don't think you should expect to get back any kind of polished analysis; and if it does perform the function that you're talking about, to get people thinking about the programmatic impact as the first step, it will have been a full success."

He also recommended public hearings as a valuable method of getting women's input into policy—

> "If departments and agencies will hold more hearings before they make the substantive decisions on policy issues or programs, and if the women's groups keep their eye out for those hearings, and then come in and testify from their perspective and concerns, it can be extremely useful, because then there has to be a response in the programmatic decisionmaking—it's amazing what you can learn when you go outside."

Under questioning as to what the OMB could do to get top management support for the program evaluation process, Mr. Lynn replied that he saw no reason why his examiners should not review the impact of programs on women as part of budget review procedures. He promised to ask his staff to review what the OMB is doing in this area and tell him what more should be done.

Mr Lynn did then issue an office memorandum on October 22, 1975 to the OMB staff in which he asked them to take a critical look at the involvement of women in all stages and levels of the programs which they examine and to call to his attention those areas where women are underrepresented as well as those programs which have negative impacts on women. "It is important," he concluded, "that OMB provide this kind of critical review, not only in this International Women's Year, but also as an integral part of all our ongoing activities."

Since this was a new and noncustomary way of looking at Federal programs, it was not clear what could be expected from the exercise which the Commission was asking the Federal bureaucracy to perform. At the least, it could create in program managers a heightened sensitivity to the needs of women, and to the intangible as well as the tangible effects of programs on women.

At the most, there might be a change of direction in the design and administration of certain government policies and programs where women are concerned.

Agency Reports

Of the 50 agencies who comprised the task force, 48 submitted reports. These reports ranged in length from a single-page letter with the disclaimer that "this agency does not have program responsibilities which impact on women *per se*," to several which ran between 70–80 pages. Within that range, most of the reports represented a thoughtful attempt to respond to the evaluation request.

Considering that this process was, for most of the agencies, an innovative way of looking at their programs; that the time allowed to complete the reports was short, it nevertheless provided some very useful identification, and some ground-breaking analyses of special problem areas. Most particularly the survey provided material that proved of real value to the 13 committees of the IWY Commission in formulating recommendations to the President.

As an example, the Treasury Department included in its report two papers, prepared previously for other purposes, on how present tax law affects women in the labor force and on the tax treatment of the family unit. These papers present criteria for measuring the effects of taxes on unpaid work, child care expenses, two-income families, surviving spouses, and divorcees. Certain questions of values are raised as to whether the tax system imposes a general bias in the economy favoring unpaid work at home compared with paid work in the market; or whether current law imposes a marriage penalty on two persons, each with independent income who, if married, pay a higher tax than they would pay if still single. While implying that some changes should be made, the Treasury Report, however, left it to the Homemaker and Child Development Committees of the IWY Commission to recommend certain specific changes in our tax laws.

For a variety of reasons the depth of coverage and the quality of reporting was very uneven. The agencies were asked to evaluate only a representative sample of their programs as they affected women, thus producing a far from complete picture. A few failed to see that the request for special information on women was relevant to their programs. It is also apparent that the level of responsibility of the person or persons assigned the task of coordinating and reporting the responses of their agencies affected the quality and extent of coverage.

Some agencies were largely content to describe ongoing programs or policies which would normally benefit women without forethought or special planning. Other reports presented inventive approaches to women as target groups for special consideration. And if some of the agencies appeared to be reaching for their impact, at least the effort was made. Virtually all the agencies came up with recommendations or suggestions for some policy change, or some program emphasis which could produce a more beneficial result for women.

On balance, this was clearly a worthwhile exercise. Its utility is best summed up in the following statement from the National Endowment for the Humanities:

> "As a result of this inquiry, we are better informed about our own operating procedures as related to women, and about the nature and extent of our support of women and women's studies."

Some of what the agencies discovered about women as beneficiaries and as potential beneficiaries of Federal programs is summed up in the following pages.

Some Agency Observations

A recommendation with far-reaching implications in the awarding of government grants is made by the American Revolution Bicentennial Administration (ARBA). ARBA admits to a constant concern for the involvement of women and minorities in its programs, yet, it notes, because legislation limits the ARBA national grants program to the grantees ability to match Federal funds, women's organizations and minority groups are usually unable to benefit from the grants program and must limit their participation to voluntary activity. ARBA recommends that in other such grants programs in the future, consideration be given to the monetary value of the volunteer contribution when determining the matching capability of an organization. Many valid and meaningful programs do not materialize because of this matching fund stipulation.

The acceleration of female arrests for serious crime, 277.9 percent increase over the past 13 years, has highlighted the fact that female offenders needs and problems have historically been largely overlooked by the criminal justice department. The Department of Justice describes steps which should be taken, such as making facilities for women an integral part of the correction system, vocational and community programs and ongoing research to determine the special needs of the female offender.

NASA describes a fascinating array of benefits to women arising out of research in the technology utilization units of its space program. For example, a brassiere with sensors is being tested in the medicine and health unit to help women detect breast cancer at an early stage. A thermal magic cooking pin which cooks (or freezes) meat in half the normal time is the result of the products and materials unit experiments in high heat transfer. Space-proof materials are being used to make nearly indestructable refrigerators and other appliances.

The Nuclear Regulatory Commission after careful investigation has decided not to amend the dose-limiting sections of its regulations to differentiate between men and women. A difference in radiation protection standards applicable to fertile women could amount to job discrimination against women by denying them jobs usually filled by women. By maintaining equal radiation standards for women and men certain jobs involving radiation exposure, now usually filled by men, could open up to women.

The Department of State admits that the representation of women in international conferences, 5 percent for 1974–75, should and can be higher and that goals for such participation should be established and progress in reaching these goals assessed annually.

In the spirit and intent of the World Plan of Action, the U.S. Action Agency reports it will expand its voluntary services, both domestically and in the Peace Corps countries, for maternal and child health, community sanitation, literacy programs, and nutritional education.

The Extension Service of the Department of Agriculture is also reexamining and upgrading its programs which fall within four areas of the WPA, including health and nutrition, the family in modern society, education, training, and housing.

Although the impact of programs of the U.S. Information Agency (USIA) is necessarily upon audiences abroad, USIA is planning to expand the role of American women in these programs by insuring that they are routinely and increasingly included for speaking engagements, artistic representation, as subjects for films and recordings and on book lists. Along similar lines, the State Department is reassessing its Art in Embassies program which provides exposure to outstanding American artists to increase the representation of women artists.

From its inception in 1964, programs of the Community Services Administration (CSA) have been known to have substantial impact on women since its services are primarily directed toward low income groups. As a means of assuring more beneficial effects of additional programs, CSA suggests that applications made to it for Federal assistance include an assessment of how any proposed program might have an impact on women.

The Department of Labor has published a special supplement on Women and Unemployment Insurance, (Report #304–1), prepared in observance of International Women's Year. It highlights the problems of women in this area, underscores the presence of provisions in the laws in some 20 states which actively discriminate against women and provides background material for those seeking legislative change.

Women in Nontraditional Careers

At the second meeting of the task force, the National Science Foundation (NSF) reported on a series of special studies and projects designed to break down the barriers to women of careers in science. Making women more aware of their suitability to scientific vocations will not only broaden their career opportunities and encourage them in their desire for changes in life styles, but also refresh the scientific community by providing a resource of previously unregarded talent.

NSF emphasizes its own commitment to increase the representation of women in policy positions. Its representation of women in GS 13–18, while still low, is double the governmentwide percentage. The fact remains, however, that increased involvement of women in the Foundation's work depends on the larger issue of increased involvement of women in science. A Foundation subcommittee is presently studying its expenditures for attracting women to science education and seeking ways of encouraging more women to study and work in science. Twenty-eight projects are currently being funded by the Foundation to provide, for example, better understanding of the reasons why more qualified women do not pursue careers in science. An even more practical program is that of the Science Education Directorate to give the educational community a set of proven cost-effective mechanisms for increasing the number of women in science.

In their impact reports to the task force, several agencies have demonstrated their awareness of the lack of parity between the sexes in the "nontraditional" careers of engineering, the physical sciences, and other technical areas. The Environmental Protection Agency, the Department of Interior, Defense, Transportation, and the Federal Communications Commission, among others, address aspects of the general problem.

As the EPA states, it should surprise no one that there are very few women working in the realm of waste-water treatment design, construction, operation, administration, or management, since women compose less than 1 percent of degree holders in sanitary engineering. Actually, only 5.1 percent of all degrees awarded in 1974 in engineering, mathematics, and physical sciences went to women.

Nor does it surprise the writers of the Department of Transportation report to find that because of the shortage of women in the traditionally male-dominated professions—engineering, business, economics—women are rare in policymaking positions in the Department and in its various clientele groups. And the connection is made between this shortage of senior women and absence of sustained attention to substantive ways in which Departmental policy may affect women. The report goes on to note that nowhere within the Department, in neither the Office of the Secretary nor the operating administrations, is any attention paid to the characteristics of women as transportation users, energy users, members of the economy generally, or members of families that are affected by mobility patterns.

As even more women enter the labor force they will become increasingly important as users of transportation services, particularly urban ones, where they are already the major consumer group. Planning which fails to take into account the actual characteristics of the consumer, in this case the woman commuter whose preferred choice of transportation is influenced by her family responsibilities (the personal school schedules of her children, the convenience of combining the journey home with a shopping trip and other variables that may not enter into the choice of mode of transportation of a man) may find its strategies failing in unanticipated ways. The Department, the report concludes, should use its own national policy and research role to continue to evaluate the impact of DOT programs on the transportation options and mobility patterns of women. It should do this in conjunction with increasing efforts to bring women into policymaking positions in transportation and other related employment.

DOT further suggests that some rethinking about the skills appropriate to transportation planning might be in order. DOT grants for transportation research are generally made to engineering and economics departments and schools of business administration, where relatively few women students enroll. Meanwhile, skills other than engineering and economics are required to persuade the American public to use transportation resources in a way that maximizes the national goals of environmental protection and energy conservation. The success of public transportation in particular depends on marketing, management, customer relations, and political acumen. DOT recommends heavier recruitment of professionals from a greater range of disciplines into transportation management. This in turn holds promise for breaking through the all-pervasive problem of having too few women in professional positions in the Department. The entry of women into transportation policymaking can not await the training of young women traffic engineers and transportation economists and their ascension through the bureaucracy. If study in fields such as community development, sociology, and law were considered appropriate background for DOT personnel, greater involvement of women in program management could occur.

The problem of women and nontraditional educational opportunities and careers appears throughout the report of the Department of Interior. Men clearly dominate in management of fish and wildlife programs. The Office of Water, Research, and Technology seldom receives applications from women for senior staff positions, "perhaps because the OWRT program is highly science-oriented." Conscious of the need for concern, a recent initiative resulted for the first time in the seating of two women on the agency's nine-member advisory panel which deals with water resources. In the same context, the office notes that no women serve as directors of the 54 State Water Resources Research Institutes which Federal funds support, thus further pointing up the necessity for qualified women in these career fields.

There is a recognizable problem in that the trades, skills, or disciplines which qualify a person to do the work of the Department of Interior require education in fields traditionally thought of as "man's work." This, reports the Department, has a two-fold effect. It makes it genuinely difficult to find qualified women to place; and it gives unenthusiastic office managers blanket reason for resisting improvement in placing women.

A recommendation of the Department of Interior calls for strengthening efforts to recruit and to accommodate women at university and at other scientific, technological, and vocational school courses in nontraditional disciplines; and to stimulate, via public relations and at conventions or other appropriate forums, dialogues on problems and prejudices which create barriers to women in these disciplines. EPA supports this recommendation to initiate such programs and urges career counseling be given young women concerning technical disciplines as well as scholarship assistance to educational institutions in these fields.

The Federal Communications Commission has altered its professional recruitment program in order to seek out women for jobs heretofore considered predominantly male, hoping in this way to recruit more women engineers. They are also encouraging women employees to take the necessary courses to attain the status of electronic technician, thus opening up broader vistas for career advancement within the Commission.

NASA reports it also is working to enlarge the role of women in all its scientific and technical fields, including jobs as crew members and as science technicians in the space shuttles and space labs which will be operational by 1980.

The Job Corps Program in the Department of Labor is directing particular attention to training women in nontraditional occupations and plans to recommend that specific requirements in Job Corps regulations be changed to include staff training in career counseling to help reduce the reluctance or apprehension of women toward seeking such jobs.

In 1977, the Women's Research Program in HEW plans to investigate sex differences in the cognitive style of men and women in science and mathematics.

The policy of the Department of Defense to open officer commissioning programs to women also underscores the expanding opportunities for women in nontraditional careers. Both the Reserve Officer Training Corps, opened to women in 1972, and the service academies, which were opened by legislative action in 1975, place heavy emphasis on scientific/technical disciplines. The Department hopes that advertising campaigns on the availability of these commissioning programs, as well as its recruiting literature, which portrays women in responsible nontraditional roles, will promote the desirability of technical schooling and training for more women. The actual skill training provided by the services to an increasing number of women has the additional positive impact of expanding postservice employment options for women, thus enlarging the pool of skilled women in the U.S. labor market.

The Armed Services Vocational Aptitude Battery, developed by the DOD primarily as a recruiting tool, has an important secondary effect on the jobs young women will choose on entering the work force. Guidance counselors use the test to discover aptitudes in military specialties, but often it is the only vocational aptitude test available in the school system and has been instrumental in detecting aptitudes for technical skills which many young women were unaware they possessed.

Women as Entrepreneurs

An area of concern to women's groups in recent years has been the problems encountered by women entrepreneurs in securing government assistance in loans and contracts. A report by the U.S. Civil Service Commission released in May 1975 cites as a major problem the difficulties that minority- and female-owned firms encounter in obtaining information on Federal, State, and local government contracting opportunities soon enough to submit timely bids, and in obtaining the working capital necessary for effective marketing and bidding.

The Civil Rights Commission calls upon the President of the United States to create a task force composed of representatives of the Office of Management and Budget, the Small Business Administration, the Women's Bureau of the Department of Labor, the Citizen's Advisory Council on the Status of Women, and women's business organizations to develop within 1 year a blueprint of special business development programs for women.

International Women's Year saw the Small Business Administration making special efforts to integrate women more fully into their loan and assistance programs. Recordkeeping on the sex of the recipients of loans, management, and technical assistance has started recently, thus allowing the SBA to sharpen its evaluation of its effectiveness in delivering assistance to women. Action to assure that more businesswomen serve on advisory councils is another way SBA seeks to increase its exposure to women in business and make its outreach efforts more effective.

One obstacle to ascertaining whether or not a fair portion of SBA services are being requested by or delivered to women in business has been the absence of a census of women-owned businesses. This lack was corrected by the Department of Commerce which conducted the first such survey in 1975.

In a rundown of the contracts and purchase orders awarded in FY 1974, the Community Service Administration reports that 1 of its 10 major contracts and 2 purchase orders out of 357 were issued to women. In FY 1975, none of its 6 contracts and only 15 out of 446 purchase orders went to female contractors.

The General Services Administration reports that it has long been concerned with lack of government encouragement and support of women-owned business and has taken steps to identify female-owned businesses to compete for government contracts. In its Office of Civil Rights, the Special Project Division has been developing and organizing a listing of women enterpreneurs by product or service. This directory of female-owned businesses will provide to government contractors the names of women's firms at the central office and at regional levels. An evaluation will be made in 1976 on the utilization of the directory by prime contractors. Of even more immediate practical value was a special workshop organized in the Washington, D.C. area for female entrepreneurs. The workshop provided counseling tailored to some 75 businesswomen, and as a result many female-owned businesses were placed on GSA procurement source lists or referred to appropriate Federal agencies. Plans are being developed to hold similar workshops in each GSA regional area.

The Office of Minority Business Enterprise in the Department of Commerce used IWY 1975 as a time to take a close look at its programs to ascertain the participation of minority females. Finding it low, regional offices have been directed to make special efforts to reach minority businesswomen with pertinent information on services available to them.

The Economic Development Bureau in Commerce makes the connection between the facts that, in a period when only one loan was made to a female-owned business, there were no professional women in its office of policy formulation.

The Patent Office makes several recommendations to expand and improve its services to women. Those countless women who, during the performance of their household duties so often ask, "Why doesn't someone invent. . .?" should have easy access to popularly published information about patent applications. Speeches and pamphlets on new technology, manufacturing, and trademark information, traditionally presented to men's service organizations, should also be directed to women's business and professional organizations.

The necessity to broaden the outreach of all agencies regarding available services and program benefits becomes very explicit in these impact reports. Also explicit is the desirability of heightened cross-communication between government agencies and women's organizations. The Department of Interior recommends in its report that all Federal agencies encourage women as individual citizens or as members of organizations to study and think about impacts on women of proposed major Federal or other governmental actions and to become active participants in public hearings which are being increasingly used to determine "the public interest."

Women and Credit

A solid gain for women in 1975 was the enactment of the Equal Credit Opportunity Act which prohibits discrimination in connection with any credit transaction on the basis of sex and marital status. The act is too recent to know how effectively it will be implemented, but it is certain that such impact as the act will have on American women will depend on how strongly the regulations are enforced and what steps are taken to educate women in the use and availability of personal credit.

In the reports of agencies whose activities embrace credit and loan programs, there is definite recognition of their responsibilities under the new law to facilitate the extension of credit opportunities to women. As the Federal Reserve System report points out, the recent Fair Credit Billing Amendments to the Truth in Lending Act are designed to make women more aware of their rights as consumers and enable them to function more effectively in the retail credit market.

All the agencies involved in credit policy seem sensitive to the necessity of maximizing the beneficial impact of the Act. Women's groups have been consulted in the drafting of regulations. Studies have been made by the Federal Reserve Board on the degree to which the regulations could be expected to accomplish their intent of expanding the availability of credit to women. A major study completed by HUD last year relates to a method for appraising the income of women borrowers. HUD also reports that as a direct result of its impact assessment, notice has been sent to its field offices reiterating their responsibility to assure that the rights of women are guarded diligently in the financing of housing.

Since 1974, the Lending Regulations of the Federal Home Loan Bank Board specifically prohibits sex discrimination and the Board enforces these regulations through regular examination of the lending institutions which the Board regulates. A new section of the National Housing Act requires all lenders making Federally related mortgage loans to consider the combined income of both husband and wife when considering the extension of credit to a married couple buying a home. Hence the fairly common practice of automatically discounting a wife's income if she is of child-bearing age is now illegal. In addition, a wife's income, even if it is from part-time employment, must be fairly considered.

In 1974, a Special Fair Housing Information Survey conducted by the Federal Home Loan Bank Board together with the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Board collected information from a sampling of institutions on restrictive lending practices. Not surprisingly, some differences in treatment on the bases of sex and marital status and race were discovered. In 1976 these data will be examined to ascertain specific business practices that affect female borrowers.

Women and Energy

There was recognition in the reports of both the Federal Energy Administration and the Energy Research and Development Administration of the particular impact of energy policies of women. They described efforts to expand women's involvement in energy programs, including setting up the framework of "minieducation programs" directed toward women's groups, developing articles for women's magazines and newspapers to help women make intelligent decisions on energy development and conservation programs and the publishing of an energy cookbook. There was heavy solicitation and participation by women and women's groups in consumer energy workshops recently held to provide a forum for citizens to voice their opinions on energy and energy-related topics. Ongoing efforts include the drafting of a proposal to study the impact of energy conservation on citizens categorized as to race, sex, and economic level.

The Federal Power Commission sees the natural gas shortage impacting negatively in several ways. Because of this shortage many industries have found it necessary to limit operations resulting in termination of employment of many on the industries' payrolls, a disproportionate number of whom have been women. The natural gas shortage also places a burden upon women as family buyers and household managers. Women have a high stake in conservation policies and responsible gas pricing and this makes them an ideal target group for special consumer education.

One of the major concerns of the nation today is total energy supply. Countless government and private studies have cited the socioeconomic impacts of energy development in the Rocky Mountain, Great Plains, and Upper Mid-West regions and the need for regional and community planning and financial assistance. Some combination of local, State, and Federal governments and private industry participation will be necessary to provide the facilities for an acceptable quality of life in what can become our new frontier areas. Key problems are financing and provision for additional schools, hospitals, police and fire protection, plus other community services and transportation facilities. As the Department of the Interior points out in its report, lack of such facilities has a greater day-to-day effect on women who bear most child care and homemaking responsibilities. Given recognition of these impacts on women, whatever level of Federal participation is involved in this planning must necessarily concern itself with women's needs and should directly involve women in that planning.

Community Services Administration (CSA) has initiated an energy-winterization program which it feels cannot help but have a favorable impact on women. Originating out of the 1973 energy crisis, CSA began winterizing mostly substandard homes and providing money to their occupants to buy fuel. Energy vouchers patterned on food stamps were also tried out in several sites. In Fresno, California, gasoline was included for migrants who needed to travel to harvest crops. These definitely included women for, among women workers below the poverty level, farm workers constitute over 26 percent, exceeding the 20 percent who are employed in private household work.

Women and Equal Employment Opportunities

The Federal Government has a sizable impact on employment opportunities for women throughout the United States. The Equal Employment Opportunity Commission is charged with the enforcement of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. These acts proscribe employment discrimination by sex, race, color, or national origin in a large segment of American industry and commerce. The Office of Federal Contract Compliance requires Federal agencies by law to include an equal opportunity clause in all agreements entered into with Federal contractors and subcontractors. Positive results depend, of course, on how effectively agencies enforce these laws.

In 1974 the EEO in the Department of Agriculture instituted 358 reviews of contractors out of 20,454 facilities in agriculture-related industry, a 1.8 percent sampling. However, these reviews zeroed in on the facilities with the largest number of employees. At the time of the reviews these contractors had a total workforce of 104,340 with 29,964 women, a 28.7 percent representation. To meet their affirmative action plans, the contractors projected hiring of 4,817 females, representing an increase of 4 percent in one year. Of these women, 18 percent would go into managerial and professional functions. In addition, 358 contractors promised to promote 950 women already in their employ to higher positions, of which 78 would be in the managerial and professional ranks.

The Environmental Protection Agency states it is considering sending a questionnaire to 20 of its major contractors and grantees to assess the hiring level of women in Federally funded research programs. The Security Exchange Commission has instituted a broad review of employment practices in the securities industry to ascertain evidence of discrimination, subtle or overt, against women.

In enforcing its responsibility for equal opportunity on the Alaskan pipeline, the Department of Interior reports a singular success that is already changing the practices of certain other bureaus and should effect major change in Federal and private industries regarding integration in hiring policies of the construction industry. The EEO program covers employment, contracts, financial aid, and training for Alaskan natives. In a 14-month period from July 1974 through August 1975, the employment of women in such nontraditional blue-collar construction jobs as electrician, welder, operating engineer, teamster, and pile-driver increased from 21 to 1,218. The Department has also verified awards of over $50 million in contracts and purchase orders to female-owned businesses.

A new Department of Transportation program will also open doors for women to train in such highway construction crafts as operating engineer, off-the-road truck driver, and highway bridge carpenter to qualify them as trainees and apprentices. A modest beginning will be the recruitment of 40 women to each craft.

As part of its work plan for 1976, the Department of Labor proposes to review sex discrimination in the construction area and to develop guidelines to increase women's employment in construction.

The Federal Communications Commission in its regulatory capacity is empowered to license users of the airways and is responsible for insuring that these licensees meet the equal employment obligations under the Commission's nondiscrimination rules. In July 1975, the Commission issued a notice of inquiry and a notice of proposed rulemaking aimed at clarifying and strengthening these EEO guidelines. The notices specify the kind of EEO program the Commission would regard as effective, require the adoption of a continuous procedure to be followed to systematically eliminate discrimination and propose monitoring procedures to insure adherance.

The Export Import Bank suggests it might influence the employment of women by requiring information on the number and proportion of women participating in the ownership of the firm or bank applying for loans. The Bank could then concentrate its resources where there is a high incidence of women. The Bank's report also suggests that a woman serving on its advisory board might insure that its programs would have a more positive impact on the employment of women in the United States.

Women may derive special benefits from work on occupational licensing currently being done by the Federal Trade Commission. One of the purposes of the Commission is to protect consumers by reducing barriers to entry and restraints on competition. There is increasing agreement that legal or guild-like restrictions enforced at the State and local level by trade associations and State boards often act as such barriers. Some licensing restraints, by discouraging new applicants in general, may have a particularly harsh effect on women who have historically been discouraged from entering certain occupations.

The Department of Justice, which enforces Federal statutes to eliminate sex-biased practices in certain employment areas, is actively exploring possibilities for expansion of this authority. In recent actions, it filed suits against 17 police and fire departments for sex discrimination. In August 1975 it filed its first title VII employment suit against a public school district for sex discrimination, alleging that the system had failed to hire or promote qualified women for the position of elementary school principal.

In general, a more energetic approach to external civil rights enforcement is called for in several reports. The impression one gathers is that the external enforcement authorities of most government departments need, as one agency put it, "an infusion of energy and nerve"; also, their procedures must be based on considerably more information than most departments and agencies would seem to possess regarding employment practices in the private sector over which they have surveillance.

In pursuit of more effective enforcement of government contract compliance the OMB has issued a special memo to budget examiners instructing them to determine the nature and frequency of the contract compliance reviews of all agencies, the detail and effectiveness of such reviews, and whether sanctions have been imposed for noncompliance.

In assessing its overall responsibility for enforcing the Equal Opportunity Act of 1972, the U.S. Equal Employment Opportunities Commission suggests possible improvement of the present utilization of resources to achieve a more beneficial effect on women in and entering the labor force. It recommends that compliance efforts be targeted through identifying those occupations and industries in which minorities and women are most underrepresented and where the possibility for making gains is the greatest. A statistical series for identifying those areas of employment should be produced on a regular basis and disseminated to the field and the Office of the General Counsel.

It further recommends that an advisory committee composed of representatives of women's organizations, blacks, and Spanish-surnamed individuals should be formed in each of the Federal regions. The committees would serve as "eyes and ears" to spot areas of concern to minorities and women and identify current and anticipated developments relating to layoffs, plant expansions and relocations, and to spot occupations where the greatest gains could be made for classes protected by title VII.

Statistics on Women

It is abundantly clear from these impact reports that serious gaps exist throughout most of the Federal agencies in their approach to collection and analysis of data pertaining to women. These data gaps made it difficult, if not impossible, for many agencies to assess with any precision the extent to which women are unrepresented as beneficiaries in Federal and federally supported programs.

For example, the Small Business Administration reports that its statistics are historically inadequate in determining the numbers of women to whom assistance has been granted. It has now begun to collect all data by sex in order to sharpen the effectiveness of its delivery of loans and of technical assistance to women in business. The Department of Housing and Urban Affairs also concedes that improved data collection cross-tabulated by sex and race would directly enhance its ability to assess program impact on women.

The Veterans Administration indicates that its data on female veterans are incomplete, thus making it difficult to plan for their particular needs. The Department of Treasury can give no statistical indicators of the extent of discrimination against women by the national banks supervised by the Comptroller of the Currency. Nor does it report any data on the extent to which women benefit from programs aided by Federal revenue-sharing. Nor are data by sex on applicants and grantees collected routinely throughout the National Endowment for the Humanities by its admission. (The Endowment for the Arts gave us no information on this point in its brief report.)

The Civil Rights Commission in its periodic reporting on Federal programs consistently has called for the collection of data cross-tabulated by sex, race, and ethnic background. It points out in a paper, "Mortgage Money, Who Gets It?" that credit reforms to assure the equitable treatment of women require, as a very first step, that lending institutions be made to maintain records of the sex as well as race and ethnic background of all mortgage applicants and persons who make oral inquiries about house loans.

The Department of Health, Education, and Welfare, whose programs can be assumed to have a greater bearing on women than any other single department in the government, indicated that less than 50 percent of the programs covered in its report gathered data by sex, and in only 14 percent of these programs was the data evaluated by sex. These figures dramatically highlight the problem of determining program impact on women when adequate statistics are lacking.

On a positive note, it should be mentioned that the Bureau of Census will soon publish a survey on the status of women which will present a wide range of data, including sections on population growth and composition, marital and family status, education, labor force participation, work experience, and income.

One of the measurable goals which emerges from these reports is the appointment of more women on agency advisory commissions, committees, boards, and panels. A spot check of the names of the 22,700 members of some 1,242 committees listed for 1974 indicate that about 10 percent were women. Several agencies report that, as a result of the impact request, they have instituted a review of women and minority representatives on advisory groups. Other agencies report that special efforts will be made to appoint women as vacancies occur on their advisory boards for, "the influence they can exert, for the expertise and outlook they can bring." The extent to which women in top-level policy positions participate in program formulation is also an area which merits continuous evaluation. All program statistics in government agencies should be recorded in such a way that the level of participation of women both in program management and in policy advisory capacities can readily be assessed and progress toward the goal of more balanced representation and participation more easily monitored.

The U.S. Commission for IWY, recognizing this need for overall improvement in the collection and analysis of government statistics on women, believes that the Office of Management and Budget (OMB) can play a crucial role in this improvement. Under the Budget and Accounting Procedures Act of 1950 and by the authority of the Federal Reports Act of 1942, the OMB establishes government-wide statistical standards. Consequently, the Commission on February 27, 1976 sent the following recommendation based on information provided to it by the IWY Interdepartmental Task Force to the President of the United States:

Improving Statistics on Status of Women and Sex Discrimination

> "The National Commission on the Observance of International Women's Year recommends that the Office of Management and Budget require all departments and agencies to collect, tabulate, and analyze data relating to persons, cross-tabulated by sex, ethnicity and race (and where appropriate by age, income and other indicators of disadvantaged conditions) in order that: (1) the impact of Federal programs on women, as beneficiaries and potential beneficiaries, can be measured objectively and (2) the participation of women as members of staff, as well as members of advisory boards and commissions, can be readily evaluated in the planning, implementation and delivery of those programs."

Women in Federal Government

The World Plan of Action calls for measurable achievement in increased employment opportunities for women and increased participation of women in policymaking positions. In one significant area—in its antidiscrimination laws—the United States is advanced over other nations. title VII of the Civil Rights Act of 1964; the EEO Act of 1972, which brought the Federal Government under the Civil Rights Act as amended; and the President's Directive of March 6, 1975 are all unequivocal directives to the Federal departments and agencies for strong affirmative action programs for women. What is needed is a more effective strategy for implementation of these laws and the will to enforce them.

One of the stated purposes of the task force was to conduct an examination of the current status of these programs—to see how well they are working and to see what steps are necessary to bring Federal employment practices into closer alignment with Federal policies.

In remarks before the second meeting of the task force, James Lynn cited commitment at the top as the most important factor in assuring that the upward mobility of women be given a high priority in government agencies. He pledged the help of the Office of Management and Budget in securing this commitment. He further urged women to employ the "squeaky wheel" approach to bring their problems to the fore.

The third meeting of the task force was devoted entirely to an examination of the employment and advancement of women in the Federal Government. Attended by the Enforcement of Laws Committee for the IWY Commission, the meeting was in the nature of a hearing on the status of Federal women employees. Different perspectives were presented by representatives of the Civil Service Commission, Civil Rights Commission, and presidents of three Federal women's associations.

View of the Civil Service Commission

In the Federal Government today, women comprise about 35 percent of full-time white-collar employees. In the mid-level range, GS-9 through GS-12, women represent 18.9 percent; at the senior levels, GS-13 to GS-18, they represent only 4.7 percent. The five largest professional groupings are nursing, educational and vocational training, library science, medical technology, and accounting. There is evidence of some growth in such categories as internal revenue agents, health sciences, medical officers, and attorneys. Some recent career breakthroughs allow women to serve as secret service and narcotic agents, border patrol, and postal inspectors. But the fact remains that of all women employed by Federal Government, only 2 percent are at GS-13 or higher.

While glaring, overt discrimination is slowly being dealt with, much remains to be done to ferret out the disparate treatment of women which exists in the government's personnel management system. The Commission is stressing ways to change attitudes of personnel and program managers and to motivate women themselves. It is publishing a career counseling handbook for women which should help eliminate stereotypical occupational choices for women. New guidelines for State and local governments on EEO, on interviewing women, and on nonsexist language usage have been issued. Increasing use is being made of an improved complaint system.

View of the Civil Rights Commission

The Federal Government lags seriously behind the rest of the nation in eliminating sex discrimination in its employment practices. For example, 1974 data show that women constitute 34 percent of white-collar employees in contrast to a figure of 44 percent nationally. Civil Service guidelines for affirmative action plans are far weaker than those required for Federal contractors and they lack the kind of guidelines and timetables which would make them effective. Federal action on discrimination has not been equal to the task.

The solution to inconsistent policies, lack of coordinated compliance programs, and especially the lack of overall leadership is the establishment of a National Employment Rights Board. This Board would have the authority to enforce a single Federal statute prohibiting employment discrimination on the basis of race, color, sex, religion, national origin, age, and handicap status.

Thus the functions of the Equal Employment Opportunity Commission and the EEO responsibilities of the Civil Service Commission and of the Department of Labor would be coordinated into an agency with broad administrative and litigative authority. It would also have final authority to debar a Federal contractor or subcontractor, to terminate any Federal grant or to revoke the certification of any labor union or any Federal license on failure to comply with a board order on equal employment.

View of the Federal Women's Organizations

The three organizations representing Federal women employees—Women's Action, Federally Employed Women, and the Federal Women's Interagency Board—saw as a top priority the setting of goals and timetables by occupation and grade for the affirmative action plans of all government agencies. How else could they be enforced and monitored? These plans are, after all, signed policy statements and when deadlines are not met, it should be regarded as a serious matter. It was suggested that as a long range goal, the ratio of women in policymaking positions be set around 40 percent, about the ratio of women in the civilian labor force. This goal can hardly have been encouraged by the record of the past few years: from 1972 to 1974 the rate of change in GS-13 and above was an annual 0.25 percent, at which rate it would require 141 years to bring women up to 40 percent of top policy positions.

Career counseling techniques should be improved and the complaint system now in operation revised. The Federal Women's Programs must be upgraded in terms of money and resources. Many agencies have only part-time coordinators, most of whom hold other full-time jobs. Coordinators should hold full-time positions regardless of the size of the agency.

View of the Agencies

Although the request for program evaluation was geared to the assessment of the external impact on women in the United States, nevertheless, almost all agencies took the occasion to report on the internal status of recruitment, employment, and advancement of women. A number of recommendations were made which were given to the IWY Enforcement of Laws Committee for use in the preparation of its recommendations to the President.

These random quotes will serve to illustrate the current situation as the agencies themselves perceive it:

> "Some awareness has been increased by such activities of the Federal Women's Program as seminars, council meetings, bulletins. The Program has reached the female work force and has touched some of the male work force. However, there is a great need for sensitivity training in order that all our employees may learn to relate to each other."

"The majority of our females, almost 80 %, are concentrated below the GS–9 level. Some of this group are successful secretaries who are top of grade or whose grade levels are limited by those of their supervisors. Still others are clerical females who indicate a latent capacity to do higher level work but do not possess the traditional qualifications for such jobs."

"Most of our women are at lower grade levels and do not have significant input at the planning level of programs. There has been an effort on the part of one or two progressive-thinking supervisors to involve their women employees in planning and policy areas . . . When women operate at professional levels there is a corresponding sensitivity to the ways in which projects can impact on women."

"For things to improve for women, management must sincerely and completely commit itself."

"We have made some gains in the past several years in our employment of women in management positions. We view our gains to date as only the beginning, however."

What the Agencies Are Doing

There is no doubt that as a result of the events of International Women's Year, including the impact evaluation request to the constituent agencies of the Interdepartmental Task Force, the move to accord equal employment opportunities to women in Federal agencies has gained momentum. A number of agencies report they are currently reviewing internal employment programs as to both their effectiveness and efficiency in carrying out EEO policies, in many cases the first of such comprehensive reviews since the 1972 passage of the EEO Act.

The Treasury Department by its study expects to gain insight into management improvement and cost reduction techniques in order that an expanded EEO program may be carried out in the face of national spending limits.

Other agencies are concentrating on actions to change predominantly male attitudes at the managerial and supervisory level. The Air Force Social Actions Program, for example, conducts human relations seminars as part of its EEO program for all civilian and military personnel. Since 1971 the program has expanded coverage to women and has had positive impact on the acceptance and greater utilization of women in the military. Still other agencies are developing managerial and executive training programs for women.

A recent effort by the State Department to professionalize secretarial positions at home and abroad has aroused interest in other government agencies, international organizations, and private business. The program resulted in the implementation of 52 recommendations to improve the status and working conditions of secretaries in the Department.

Expanding Employment Opportunities for Women

Some inroads are being made into traditional attitudes against employing women in certain types of jobs as evidence grows that women function as effectively as their male counterparts. This has opened up employment possibilities heretofore barred to women. The Department of Justice reports that women working in correction agencies may now handle mixed caseloads; many new penal facilities are now cocorrectional which has opened key occupations to women. By 1976, all positions in penal institutions except penitentiaries will be open to women and by 1978 women will be employed in penitentiaries.

The Interior Department will seek to hire women as coal mine inspectors. The number of female air traffic controllers rose 18.5 percent between late 1974 and April 1975.

Through 1975, the Health Resources Administration of HEW distributed nationally a film, "Where I Want To Be," to encourage women to enter the dental profession. HRA is also studying factors which impinge upon the participation of women in the health labor force.

The Action Agency has set a goal of 10 women Peace Corps country directors by FY 1978.

On a small scale, Tennessee Valley Authority reports on its efforts to attract new and expanding industries such as ball-bearing manufacture to Tennessee. This diversification of employment is creating opportunities for women as witnessed by recent data which show that female enrollment in metalworking training programs has increased to 195, up from 95, 4 years earlier.

Flexible working schedules are mentioned by many agencies as a technique to use women's talents which might otherwise be lost. The Civil

Service Commission has proposed legislation to permit experimentation with "flexi-time" in all agencies and the National Science Foundation is supporting a project to assess the economic and social consequences of shorter workweeks and "flexi-time."

Internal Revenue has evolved a system of "seasonal employment" in which employees are selected from competitive Civil Service examination and trained to handle seasonal or special work, in their case, tax inquiries at IRS District Offices. The employees are given permanent appointments but are placed in nonwork status when they are not needed. Thus, a stable cadre of trained employees is available, most of whom are women.

Day care assistance programs also are seen as a necessary adjunct to expanding job opportunities for women. NASA is calling for regulations that would include day care for working families as a line item in the Federal budget. The Women's Bureau in the Labor Department is developing a model day care center for use by other agencies. The Federal Home Loan Bank Board has instituted a day care assistance program to provide funds for financially troubled employees with small children.

One way to insure that the roles and expectations of women are given continuous consideration in government is the formation of some form of permanent intradepartmental committee for women—in effect, a permanent "squeaky wheel" committee. The Women's Action Program in HEW is charged with the responsibility for research projects and for assisting in developing legislative proposals, regulations, and guidelines which better meet the needs of women. It is currently reviewing the policy and program recommendations contained in the HEW departmental impact assessments. A similar committee was established in the Department of Transportation in direct response to International Women's Year. The Action Agency has also formed an Intra-Agency Task Force during IWY which meets weekly to define the impact of Action's programs on women as a constituency and to look continually at the role of women in volunteer and staff positions.

An Intradepartmental Coordinating Committee for Women and 10 regional committees have been in existence for over 2 years within the Department of Labor. DOL urges the establishment of similar bodies in each Cabinet-level Federal agency. They have amply demonstrated their usefullness in identifying problem areas and in assuring that corrective action is taken. Agriculture notes that a secretariat committee of men and women would effectively provide the kind of forum for discussion and action on employment opportunities for women.

Government-Wide Observance of International Women's Year

The Federal Government's observance of IWY appears to have been enthusiastic and varied. Spearheaded largely by the Federal Women's Program Coordinators or special agency IWY Committees, employees of the government have engaged in innumerable workshops and seminars relating to areas of special interest to women, such as Women and the Law, Women and Economics, The History of the Women's Movement, to more general subjects on equal employment opportunities of women such as career development and in-house training programs. One agency reports that one of its most popular lectures debunked sex hormone differences in decisionmaking.

Women of the Month programs were initiated to honor outstanding women employees. Special issues of in-house magazines, exhibits and displays in building lobbies, special awards, and functions highlighting women prominent in fields outside of government were used to increase awareness of the role of women both in and outside government and in other countries. Many agencies report they plan to continue these functions and activities as annual events. A few agencies are developing plans for "Annual Women's Weeks."

In general, observance of IWY 1975 has sharpened the focus of attention on all Federal Women's Program goals and resulted in increased participation by senior program managers in these programs. Such activities have, in fact, given, in the words of one agency, "a shot in the arm to our Federal Women's Program."

The Future

Consciousness-raising is an overworked term, but there can be no doubt that it was one of the real values of the IWY Task Force evaluation process. In the words of the Department of the Interior, "One of the beneficial results, however unquantifiable, was a stride toward modification of attitudes and policies that reenforce stereotypes about women. The completing of the exercise itself was therefore of value."

The Department of Transportation further observed that, "this IWY effort has allowed us a preliminary glimpse of a complicated array of issues that should be addressed as part of the Department's ongoing policy review. The process of assessing the impact on women of various programs and delivery structures should be formalized and institutionalized." The Department of Housing and Urban Development adds that "The Commission is to be commended on initiating this inquiry; it is to be hoped that its own impact will serve to institutionalize within the Federal Government a systematic approach to identifying and responding to the needs of particular participant groups."

Taken as a whole, the impact reports revealed some significant insufficiencies of coverage which require additional and sustained attention. The reporting is generally weak on interrelationships of Federal-State-community programs. There was also a noticeable lack of understanding of the composite effect on women of the programs of different agencies. For example, the reporting on child care, or on nutrition, or on implementation of equal credit legislation reveals the need for more coordination among agencies on the cumulative effects of these programs and policies if we are to gain a more realistic view of women's actual needs and how future programs can be tailored to meet these needs.

Clearly, the present survey has not gone far enough. This short-range, somewhat improvised performance by some Federal agencies and departments in evaluating a sample of their programs can only be considered a beginning. If long-term results are to be expected in increasing sensitivity to women's needs throughout the Federal bureaucracy; if government programs are to respond directly to these needs; if, indeed, the government is to do more than pay lip service to the objectives of "The Decade For Women" which we have entered, then an evaluation process should be regularized under some mechanism of the Federal Government. The gains of this year's experience should not be lost.

The OMB, which has already been seen to support the recently concluded impact process, has the necessary oversight of the operations of the Federal agencies to require that the government continue to consider the impact of its programs on women. It can request such evaluations from all the Federal agencies, not just the 50 which were included in the current exercise, as an integral part of the annual budget and review process of the government. It can do so as part of its "Preparation and Submission of Budget Estimates" which already require special analyses of subjects such as civil rights.

To this end, at its regular meeting on February 28, 1976, the IWY Commission unanimously adopted the following resolution which was sent to the President of the United States:

Systematic Assessment of the Impact of Federal Programs on Women in the United States

> "The National Commission on the Observance of International Women's Year recommends that the Office of Management and Budget require the Departments and agencies of the Federal Government to continue to consider the impact of their programs on women in the U.S. It further recommends that the Office of Management and Budget include an evaluation of these assessments as a part of the regular budget preparation and program review processes of the Government."

PART VI

The Appendix

What You Should Know About Women [1]

Labor Force Participation Rates, Age 16–64, 1975 [2]

(Percentage of the Population in or Seeking Paid Employment)

White men	86.8	White women	53.3
Black men	76.8	Black women	53.9

Percentage of Workers Full-Time, Age 16 and Over, 1975 [3]

White men	91.8	White women	74.9
Minority men	91.5	Minority women	81.7

Median Earnings Year Round, Full-Time Workers, Age 14 and Over, 1974 [4]

White men	$12,104	White women	$6,823
Black men	8,524	Black women	6,258

Weekly Earnings, Full-Time Workers, May 1974 [5]

White men	$209	White women	$125
Minority men	160	Minority women	117

Unemployment Rates, 1975 [6]

(Percentage of persons in the labor force who are unemployed)

White men	7.2	White women	8.6
Black men	14.7	Black women	14.8
Teenage white men	18.3	Teenage white women	17.4
Teenage black men	38.1	Teenage black women	41.0

Occupations of Employed Men and Women by Race, 1974 [7]

	White		*Minority*	
	Men	*Women*	*Men*	*Women*
Total employed—thousands	47,340	29,280	5,179	4,136
Percent	100	100	100	100
Professional & technical	15	15	9	12
Managers & administrators	15	5	5	2
Sales workers	6	7	2	3
Clerical workers	6	36	7	25
Blue-collar workers	46	15	57	20
Service workers	7	19	15	37
Farm workers	5	2	4	1

Why Women Work [8]

In 1973

23 percent were single;

19 percent widowed, divorced, or separated; and

29 percent had husbands earning less than $10,000.

Working Mothers and Their Children, March 1974 [9]

43 percent of all married women (husbands present) were working.

46 percent of all women with children under 18 were working.

63 percent of all working mothers have children between 6–17 years.

19 percent of all working mothers have children under 3 years.

62 percent of mothers without husbands were working.

6.8 million families, 12 percent of all families, were headed by women in 1974 (between 1970 and 1974, the number increased by over 1 million).

Children of Working Mothers, March 1974 [10]

5.1 million women in the labor force in March of 1974 had children under 6 years of age.

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[1] Comparable figures are not available for Spanish origin, Asian-American, and American Indian women. Sections on each of these groups follow using available data. See Part V for recommendation of Commission on collection of data.

Where available, data for black women and men are included in the first sections. In some cases, only figures for all minorities are available and are used, (blacks constitute 89 percent of minorities).

[2] U.S. Department of Labor, Employment and Earnings, Jan. 1976, table 1 and unpublished data.

[3] *Ibid.*, table 1 and 5.

[4] U.S. Department of Commerce, Bureau of the Census, "Money Income in 1974 of Families and Persons in the United States," Current Population Reports, Series P–60, No. 101, Jan. 1976, table 67.

[5] Department of Labor, Women's Bureau, *Handbook on Women Workers, 1975*, table 51.

[6] U.S. Department of Labor, Employment and Earnings Jan. 1976, table 1 and unpublished data.

[7] U.S. Department of Commerce, Bureau of the Census, "The Social and Economic Status of the Black Population in the United States," 1974, Special Studies, Series P-23, No. 54, tables 48, 49.

[8] Department of Labor, Women's Bureau, *Handbook on Women Workers, 1975*, chart L.

[9] Department of Labor, Women's Bureau, *Handbook on Women Workers, 1975*, pp. 3, 20, 25, 26.

[10] *Ibid.*, pp. 4, 30, 35.

26.8 million children had working mothers.

6.1 million children with working mothers were under the age of 6.

4.6 million children had working mothers who were heads of households.

913,000 of the 4.6 million children whose working mothers were heads of households were under 6 years of age.

The estimated number of day care slots in 1972 was 1 million.

Women in Unions[11]

5.7 million women were in unions, including 1.2 million professional and State employee association members (1972).

1 out of 6 women in the labor force were in collective bargaining unions and associations in 1974, 1 out of 8 in unions alone.

7 percent of membership on the governing boards of unions and associations in 1973 were women.

Alimony and Child Support[12]

Only 14 percent of divorced or separated women are awarded alimony. Only 46 percent of these collect it regularly.

Only 44 percent of divorced mothers are awarded child support, and only 45 percent of those collect it regularly.

Birth, Marriage, and Divorce[13]

In 1975 the estimated total fertility rate was 1,800 children per 1,000 women or 1.8 children per woman over her lifetime. In 1970 the rate was 2,480, a drop of 27 percent.

Divorces hit a record high in 1975, exceeding 1 million for the first time in U.S. history, representing a 6 percent increase over 1974.

Marriages declined to the lowest point since 1969, representing a 4 percent drop from 1974.

The divorce rate per 1,000 population was:

4.8 in 1975
3.5 in 1970
2.2 in 1960

The marriage rate per 1,000 population was:

10.0 in 1975
11.0 in 1972
10.6 in 1970

Elementary and Secondary Education[14]

67.4 percent of all teachers were women, but women held only 15 percent of all principalships (1970)

- At the elementary level, 20 percent of the principals were women (1976);
- At the secondary level—3 percent were women (1970).

Higher Education[15]

25 percent of public college and university faculties were women (1975).

10 percent of full professors were women (1975).

In 1975–76 the average college and university salary for women was $14,252.

In 1975–76 the average college and university salary for men was $17,312.

Of the over 2,500 accredited institutions of higher education, only 148 identify a woman as the chief executive officer.

Students

In the fall of 1973, 43 percent of all college students under 35 years of age were women.

In 1973, 326,000 black women were enrolled in college, nearly 3 times the number in 1964.[16]

The percentage of women in 1st-year law school classes for the fall of 1974 was 23.7 percent, up from 20.2 percent in 1972 and 15.7 percent in 1971. In medical schools 22.2 percent of the entering class were women, up from 19.7 percent in 1973 and 11.1 percent in 1970.[17]

New Careers[18]

One out of six (16.9 percent) entering college freshmen women in 1975 planned a career in business, engineering, law, or medicine; only 5.9 percent said this in 1966. Twice as many women (16.6 percent in 1975 up from 9.1 percent in 1971) plan on postgraduate work.

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[11] Department of Labor, Women's Bureau, *Handbook on Women Workers, 1975*, pp. 76 and 78.

[12] Market Opinion Research, Detroit, Mich. Study done for IWY Commission in 1975.

[13] U.S. Department of Commerce, Bureau of the Census, "Population Profile of the United States: 1975," Current Population Reports, Series P-20, no. 292, Mar. 1976, pp. 1, 3, 9.

[14] Education Commission of the States, *Equal Rights for Women in Education*, Rep. No. 77, Denver, Col., Jan. 1976, p. 25.

[15] *Chronicle of Higher Education*, Feb. 9, 1976, p. 5 and *Comment*, Fall 1975, p. 3.

[16] Department of Labor, Women's Bureau, *Handbook on Women Workers, 1975*, p. 5.

[17] *Women's Movement in the U.S., 1960–1975, Government Role in the Women's Movement*, IWY #8, Rev. June 1975.

[18] *Memo*, American Association of State Colleges and Universities, vol. 16, no. 2, Jan. 15, 1976.

Stock Holders[19]

Market value of shares held in all public corporations, 1975:

Men	157,083 billion	56.9%
Women	118,820 billion	43.1%

ASIAN-AMERICAN WOMEN[20]

Employment 1970

Some 2 million Asian-Americans lived in the United States in 1973. Roughly one-half were women; however, recent immigration is predominately female. Accurate figures are not available in 1976. Over 50 percent of all Asian women 16 years and older were in the labor force in 1970. Of the married Asian women, almost 50 percent were also in the labor force. Figures on unemployment for women indicate a lower than national average.

Occupations 1970

	Women (%)	*Men (%)*
Professional, technical, managerial	24	32
Sales and clerical workers, administration	38	14
Service workers, farm managers	21	30
Operatives, craftsmen, laborers	17	25

Income 1970

Some 60 percent of all Asian-American women 16 years and older earned under $4,000, somewhat lower than the national average in 1970. About 5 percent of all Asian-American women earned over $10,000 in 1970, somewhat higher than the national average for women.

Education 1970

Of the Asian-Americans, 16-years-old and over in 1970, the percentage of those who have completed 4 years of college or more was:

	Women	*Men*
Japanese	11	19
Chinese	17	25
Filipino	27	15

AMERICAN INDIAN WOMEN[21]

Employment 1970

There were 827,000 American Indians and Alaskan Natives, constituting .4 percent of the total population; 50.1 percent were women.

One-half the rural Indian population and 40 percent of the urban Indian population were under 18 years of age.

Of the American Indian women, 16 years and over, 35 percent were in the labor force; 63 percent of the men.

Unemployment 1970

The unemployment rate for American Indian women was 10.2 percent.

The unemployment rate for American Indian men was 11.6 percent.

Occupations—Urban

	Women (%)	*Men (%)*
Professional, technical	14	17
Clerical and sales	34	10
Operatives	19	26
Craftsmen		23
Services	34	24

(Other patterns for occupations for American Indians not available.)

Income 1970

The median income of females 16 years and over was $1,697.

The median income of males 16 years and older was $3,509.

Education 1970

Only 1.2 percent of rural American Indian women have had 4 years of college; only 1.5 percent of rural American Indian men. Only 3.8 percent of urban American Indian women have had 4 years of college education; only 5.6 percent of urban American Indian men.

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[19] New York Stock Exchange Census of Shareowners 1975, midyear, (Public Companies).

[20] *A Study of Selected Socio-Economic Characteristics of Ethnic Minorities Based on the 1970 Census,* vol. II: Asian Americans, Office of Special Concerns, Department of Health, Education, and Welfare, no. (OS) 75–121, pp. 84, 86, 87, 105.

[21] A Study of Selected Socio-Economic Characteristics of Ethnic Minorities Based on the 1970 Census, Vol. III, *American Indians,* Office of Special Concerns, Department of Health, Education, and Welfare, No. (OS) 75–122, pp. i, 25, 40, 49, 53.

SPANISH ORIGIN WOMEN

Employment 1974[22]

In 1974, 5.5 million women were of Spanish-origin in the United States. Of those 16 years of age and over, 42.1 percent were in the labor force in March 1974, (or 1.4 million women).

Unemployment 1975[22]

The unemployment rate of Spanish-origin women 20 years of age was 11.2 percent; 9.2 percent was the unemployment rate of Spanish-origin men over 20 years of age. The unemployment rate for teenage men and women of Spanish-origin (16–19) was 26.1 percent (third quarter 1975).

Occupations 1974[23]

	Women (%)	*Men (%)*
Professional, technical	6.0	6.7
Managers, administrators	2.9	7.3
Sales workers	4.0	3.0
Clerical workers	28.3	7.0
Craft workers	2.1	17.6
Operatives, including transport	30.2	27.0
Farm workers	2.6	7.4
Service workers	22.9	12.0

Income 1975[24]

The median income of women 14 years or older of Spanish-origin was $3,072; $6,507 was the median income for males of Spanish-origin 14 years or older.

Working Mothers[25]

Of working mothers of Spanish-origin, 43.5 percent had children 6–17 years of age (1970); 28.4 percent had children under 6 (1970).

Education[26]

Of the women of Spanish-origin, 4 percent were enrolled in college in October 1973; 5.6 percent of the men of Spanish-origin were enrolled in college in October 1973.

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[22] U.S. Department of Labor, Women's Bureau, 1976, *Women of Spanish Origin in the United States*, pp. 2, 8, 9.

[23] *Ibid.*, table 7.

[24] U.S. Department of Commerce, Bureau of the Census, "Persons of Spanish Origin in the United States, March 1975," Series P–20, no. 283, Aug. 1975, table 7.

[25] *Women of Spanish Origin in the United States*, U.S. Department of Labor, Women's Bureau, 1976.

[26] U.S. Department of Commerce, Bureau of the Census; "Social and Economic Characteristics of Students" CPR p. 20, no. 272, table 1.

Where Women Are Now

Women in Public Office—1975–76

Compiled by the National Women's Political Caucus
1921 Pennsylvania Ave., NW., Washington, D.C. 20006

Office	*No. of women*	*Percent of women*	*Total officeholders*
Cabinet:			
Secretary of HUD	1		
U.S. Congress:			
Senate	0	0	100
House of Representatives	19	4	435
Federal Judges:	8	1	675
State Officeholders:			
Governor	1	2	50
Lieutenant Governor	3	6	50
Secretary of State	11	22	50
Elected and Appointed Cabinet Members	139	10	1300 (approx.)
State Legislators:	610 (total)	9	7561 (total)
State Senate	89		1978
State House of Representatives	521		5583
County and Municipal:			
County Commissioners	456	2½	17,000 (approx.)
Mayors	578 } 5947 Total	5	136,000 (approx.)
City and Township Council Members	5,369		
School Board Members	11,000	11	96,560 (approx.)

Summary of Women Elected in 1972 and 1974

	November 1972	*November 1974*
U.S. House of Representatives	16	*18
Governor	0	1
Lieutenant Governor	0	**1
Statewide Offices	27	30
State Legislators	462	***610
Democrats	237	389
Republicans	222	218
Other	3	3
Total Women State Senators		91
Total Women State Representatives		519
Total	505 (6%)	660 (9%)

* A 19th woman was elected in a special election, May 1975.
** Two additional women lieutenant governors were elected in November 1975.
*** This is double the number of women elected to State legislatures in 1969.

Women Appointed or Nominated by President Ford to Full-Time Positions

between August 9, 1974 and March 9, 1976[27]

Carla Hills
Secretary, Department of Housing and Urban Development

Dixy Lee Ray
Assistant Secretary of State

Betty S. Murphy
Chairman, National Labor Relations Board

Marjorie Lynch
Under Secretary, Department of Health, Education, and Welfare

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[27] This list and following lists of women in high-level Federal positions were furnished by the White House.

Isabel Burgess
Member, National Transportation Safety Board
(Renominated but not yet confirmed)

Judith T. Connor
Assistant Secretary, Department of Transportation

Ethel Bent Walsh
Member, Equal Employment Opportunity Commission

Betty Jo Christian
Commissioner, Interstate Commerce Commission

Jean McKee
Deputy Administrator, American Revolution Bicentennial Administration

Georgiana Sheldon
Vice Chairman, Civil Service Commission

Constance Newman
Assistant Secretary, Department of Housing and Urban Development

Barbara Simpson[28]
Commissioner, Federal Power Commission

Patricia Lindh
Special Assistant to the President
The White House

Margita White
Assistant Press Secretary to the President
The White House

Kay Bailey[29]
Member, National Transportation Safety Board

Jeanne Holm
Special Assistant to the President
The White House

AMBASSADORS

Shirley Temple Black
Ambassador to Ghana

Mary S. Olmsted
Ambassador to Papua New Guinea

Anne L. Armstrong
Ambassador to Great Britain

Marquita Maytag
Ambassador to Nepal

JUSTICE

Julia P. Cooper
Associate Judge, District of Columbia Court of Appeals

Women Serving in Non-Civil Service Positions

at Grades GS–16 to GS–18, or Equivalent, as of March 31, 1976

Virginia Allan
Deputy Assistant Secretary for Public Affairs
Department of State

Barbara Burns
Assistant to Secretary for International Activities and Director, International Activities
Department of Interior

Patricia Ann Cahn
Director of Public Affairs
Environmental Protection Agency

Harriet S. Crowley
Deputy Assistant Administrator for Population and Humanitarian Assistance
Agency for International Development

Frances J. Dias
Regional Director, DCPA
Department of Defense

Mary Jane Fiske
Deputy Assistant Secretary for Legislation (Welfare)
Department of Health, Education, and Welfare

Helen F. Holt
Assistant to the Secretary for Elderly and Handicapped
Department of Health, Education, and Welfare

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[28] Barbara Simpson nominated Feb. 5, 1976.
[29] Kay Bailey nominated Feb. 24, 1976.

Judith Richard Hope
Associate Director, Domestic Council
The White House

Marie B. Jackson
Executive Assistant
Equal Employment Opportunity Commission

Barbara Kilberg
Association Counsel to the President
The White House

Mary C. Lawton
Deputy Assistant Attorney General, Legal Counsel
Department of Justice

Barbara Coleman Lewis
Director, Service Support Division, Office of Public Affairs
Department of Health, Education, and Welfare

Jean P. Lewis
Deputy Assistant Administrator for Legal Affairs
Agency for International Development

Norma M. Loeser
Managing Director
Civil Aeronautics Board

Nira Hardon Long
Director, Office of Equal Opportunity
Agency for International Development

Lorena M. Matthews
Deputy Administrator
National Credit Union Board

Michele B. Metrinko
Associate Solicitor, Conservation and Wildlife
Department of Interior

Sallyanne Payton
Chief Counsel, Urban Mass Transportation Administration
Department of Transportation

Glendora Putnam
Deputy Assistant Secretary for Fair Housing and Equal Opportunity
Department of Housing and Urban Development

Helen Claire Reiner
Chief Counsel to the Chairman
National Labor Relations Board

Margery W. Smith
Assistant to the Chairman
Federal Trade Commission

Virginia B. Smith
Director, Fund for the Improvement of Postsecondary Education
Department of Health, Education, and Welfare

Carol Ann Stitt
Confidential Staff Assistant to the Assistant Secretary for International Affairs
Department of the Treasury

Eleanor D. Sugrue
Deputy Assistant Secretary for Policy, Plans and International Affairs
Department of Transportation

Julia Vadala Taft
Deputy Assistant Secretary for Human Development
Department of Health, Education, and Welfare

Antonia Uccello
Director for Consumer Affairs
Department of Transportation

Women Chiefs of Mission, Department of State

Ruth Bryan Owen	Denmark	1933–36
Florence Jaffrey Harriman	Norway	1937–40
Perle Mesta	Luxembourg	1949–53
Eugenie Moore Anderson	Denmark	1949–53
	Bulgaria	1962–64
Frances E. Willis	Switzerland	1953–57
	Norway	1957–61
	Ceylon	1961–64
Clare Boothe Luce	Italy	1953–56
Katharine Elkus White	Denmark	1964–68
Margaret Joy Tibbets	Norway	1964–69
Patricia Roberts Harris	Luxembourg	1965–67
Carol Laise	Nepal	1966–73
Eileen Donovan	Barbados	1969–74
Jean M. Wilkowski	Zambia	1972–
Ruth L. Farkas	Luxembourg	1973–76
Nancy Rawls	Togo	1974–
Shirley T. Black	Ghana	1974–
Mary S. Olmsted	Papua New Guinea	1975–
Anne L. Armstrong	Great Britain	1976–
Marquita Maytag	Nepal	1976–
Rosemary Ginn	Luxembourg	1976–

Women Serving on Appointive State Boards and Commissions

Summary of a report prepared in 1975 for the National Commission on the Observance of International Women's Year by the Center for the American Woman and Politics, Eagleton Institute of Politics, Rutgers University.

This information is summarized from data collected about all boards and commissions within 10 governmental areas from 39 States. States from which information was not available and, therefore, are not included in the data are: Alabama, Colorado, Kentucky, Massachusetts, Minnesota, Missouri, Montana, New Mexico, Pennsylvania, Tennessee, and Wisconsin.

- Of those boards and commissions studied, 53 percent HAVE NO WOMEN!
- On the average, states with Democratic governors and those with Republican governors have the same representation of women (15 percent) on boards and commissions.
- States with a higher proportion of women among elected officials are *somewhat* more likely to have a higher proportion of women on boards and commissions.
- SMALLER BOARDS are less likely to have women serving. Women are absent from well over half (60 percent) of 6-member boards, and over three-quarters (78 percent) of 3-member boards. This is also reflected in the average proportion of women on SMALL and LARGE BOARDS: 3-member boards average 12 percent women, while 7-member boards average 18 percent, and boards with at least 25 members average 29 percent women.
- The average proportion of women on a board or commission is 15 percent. That is, on the average, fewer than one-seventh of the positions on a particular State board or commission are filled by women.

Those States with the highest average proportions are:

Arizona	23%
Hawaii	23%
Iowa	23%
Washington	23%
Nevada	20%
South Dakota	20%
Oregon	19%

Those States with thte lowest average proportions are:

Mississippi	8%
New Hampshire	10%
Arkansas	11%
Indiana	11%
Louisiana	11%
New York	11%
Ohio	11%
Texas	11%

- Women are found in greatest average proportion on those boards and commissions in women's stereotypical, traditional domains.

Government Area	*Proportion of Women*
Welfare of Children, Youth and Aged	35%
Health	20%
Education	18%
Professional and Occupational Licensing	16%
Labor	11%
Public Utilities	8%
Environmental Protection	7%
Business Regulation	7%
Economic and Industrial Development	6%
Transportation	4%

This study was requested by the Commission's Women in Power Committee. The full report may be obtained by writing:

The Center for the American Woman and Politics, Eagleton Institute of Politics, Rutgers University, New Brunswick, N.J. 08901, $3 (a limited number of free copies are available from IWY Secretariat, Department of State, Washington, D.C. 20520.)

How to Move Women Into Appointive Office[30]

Suggestions for Individuals and Organizations

If women are to participate in public affairs in proportion to their 53 percent representation in the population and if the female perspective is to be a significant component of public policy and practice, we must increase the number of women in public life. During recent years more women have won elective offices, but not yet in proportion to their numbers. However, there is another avenue to adequate representation: the appointment of more women to the numerous boards and commissions which advise and set policy at all levels of government. The fact that women have yet to be found in representative numbers in important appointive positions is a challenge to all who believe in equal representation.

WHAT DO OFFICIALS CONSIDER WHEN MAKING APPOINTMENTS?

Competency

Officials prefer to appoint a *competent* person who will be a credit and not an embarassment to the appointer and whose appointment will receive public acclaim. Demonstrated by past performance, competency is the ability to:

- Understand the political climate, especially that of the appointing official;
- Be committed to public good;
- Understand basic facts and issues;
- Be responsible in attendance and participation;
- Express ideas without creating undue hostility;
- Carry out the appointive tasks; and
- Garner public support for decisions and recommendations.

Representation of a Constituency

Government heads are also concerned with appointing individuals who are leaders of a particular group or organization and who, thus, represent a constituency.

Often the appointing official views this constituency as potentially supportive of his/her programs and possibly of election to future office. Balance may also be a concern—to appoint a board or commission whose membership would include representation from a wide spectrum of interest groups, citizenry, political parties, and geographic backgrounds.

An individual has a constituency when he/she is recognized as an outstanding advocate of a group's special concerns. For an example, an individual with a constituency is one who:

- Is an effective member of a women's organization, a State, county or city commission on women, a professional group, a labor union, a business organization, a parent-teacher organization, a veteran's auxiliary, a minority organization, a farm organization, or a church group;
- Has waged or managed an effective campaign for public office;
- Has organized an effective citizen's group for needed change;
- Is recognized as an advocate for an ethnic or minority group;
- Is an outstanding member of his/her profession; or
- Is an active political party worker.

HOW CAN AN ORGANIZATION INCREASE THE NUMBER OF WOMEN IN APPOINTIVE POSITIONS?

Develop a Roster or Talent Bank

Establish a card file of women candidates for appointment that contains candidate's major interests, a list of various positions for which she might qualify, and names of widely respected references with addresses and phone numbers.

However, remember that this file is only one resource for providing names of women candidates. More important than information in a card file are recommendations from individuals who know the candidate personally and whose judgment in such matters is reliable.

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[30] Written for the National Commission on the Observance of International Women's Year by Marian L. Thompson, University of Wisconsin.

Don't be disappointed if your candidate is not selected. Try and try again. Don't forget to commend the appointing official if your candidate is selected, by letter or public announcement if appropriate.

Promote a Calendar of Appointments

A calendar should include a list of appointive positions, terms of offices, current appointees, appointing officials, legislative or other official confirmation if required, qualifications, job descriptions if possible, and pay and expenses if provided.

An organization can make a significant public contribution by setting up and maintaining a calendar, but it is a time-consuming procedure for a citizen group. Alternatives include:

- Persuading another more appropriate public or private agency to perform this service;
- Initiating and supporting legislation which would require governmental units to maintain a calendar and make it available to the public; or
- Acquiring a list from another organization.

Monitor Upcoming Appointments

- Keep careful watch of upcoming vacancies at least several months ahead to provide adequate time to promote a candidate.
- Check news and other sources for vacancies created by resignation or death.

Mount a Campaign on Behalf of a Candidate

An organization must decide whether it is more effective to develop a public or private approach or a combination of the two.

If a private approach is selected, then the organization might decide to:

- Ask an intermediary with special influence to propose and endorse the candidate to the appointing official;
- Write a letter to the official with careful documentation of a candidate's qualifications; and
- Ask other groups to work for the candidate. (However, an organization should not wage a public effort.)

If the organization decides to use a public approach, then it could:

- Meet with other organizations to select mutually agreed-upon candidate;
- Form a committee to back appointment;
- Circulate petitions on behalf of candidate;
- Solicit members of participating organizations to write appointing official (These must never be form letters); and
- Utilize the media to promote candidate through letters to the editor, participating in talk shows, and news releases.

Promote Affirmative Action in Appointments

Local political parties can encourage and assist formation of a women's caucus or committee as an appointive or a voluntary group and can:

- Develop a local roster of women candidates;
- Develop and use a calendar of appointments;
- Propose and support local women for appointment; and
- Monitor and report results to officers and membership.

Remember that women who are active in local party politics can have significant influence on an appointing official, especially when they are members of the same political party.

WHAT CAN AN INDIVIDUAL DO TO SEEK APPOINTIVE OFFICE?

- Be politically active and work hard to elect a candidate seeking election to an office which has appointive responsibilities. If your candidate wins and you have the competency, you stand an excellent chance for an appointment.
- Know the formal and, if possible, the informal requirements for the position.

- Send a detailed resume of your qualifications to the appointing official documenting your competence and your constituency(ies) especially as related to the appointing official's goals, past election, and political future.
- Send a detailed resume of your qualifications to the organizations whose support you seek, emphasizing your appointment as a means of reinforcing mutual interests.
- Persuade others whose opinions are respected by the appointing official, particularly party activists, to speak on your behalf. Don't overlook other intermediaries who have political influence.

Women in the Judiciary

Federal Bench

For the purpose of this report the Federal Bench includes: The Supreme Court, Courts of Appeals (formerly Circuit Courts of Appeals), and District Courts.

No woman serves on the 9-member Supreme Court nor has a woman ever served.

There are presently 97 authorized judgeships of the courts of appeals (Circuit Courts of Appeals). There are 10 circuit courts, plus the District of Columbia Circuit Court. Two women have been appointed to Circuit Courts, one now serving, one dead:

Florence Ellinwood Allen, 6th Circuit Court; appointed in 1934 by President Roosevelt; retired in 1954; died in 1966.

Shirley M. Hufstedler, 9th Circuit Court; entered on duty, October 1, 1968, appointed by President Johnson.

There are presently 399 authorized district judgeships in the United States. Three women now actively serve district courts:

June Lazenby Green, District Judge for District of Columbia; entered on duty June 18, 1968; appointed by President Johnson.

Cornelia G. Kennedy, District Judge for Eastern District of Michigan; entered on duty October 22, 1970; appointed by President Nixon.

Constance Baker Motley, District Judge for Southern District of New York; entered on duty September 9, 1966; appointed by President Johnson.

Three women, two on senior status (semiretirement) and one retired, received appointments as district judges:

Carrick Hume Buck, District Judge for District of Hawaii; appointed in 1942 when Hawaii was a territory by President Roosevelt. Term expired in 1958.

Sarah Tilghman Hughes, District Judge for Northern District of Texas; entered on duty October 1961; took senior status in 1975; appointed by President Kennedy.

Burnita Shelton Matthews, District Judge for District of Columbia; entered on duty November 9, 1949; took senior status in 1968; appointed by President Truman.

Two women have been appointed to U.S. Customs Court; both retired.[31]

Mary Donlon Alger, entered on duty in 1955; took senior status in 1966; appointed by President Eisenhower.

Genevieve R. Cline, entered on duty 1928; retired in 1953; died 1959; appointed by President Hoover.

State Courts—Appellate and Supreme

Of the 932 judges serving the State courts at intermediate and last resort levels, 12 are women.

Mary S. Coleman	Michigan Supreme Court
Catherine B. Kelly	D.C. Court of Appeals
Julia Cooper Mack	D.C. Court of Appeals
Elsijane T. Roy	Arkansas Supreme Court
Mary Schroeder	Arizona Supreme Court
Susie Sharp	North Carolina Supreme Court
Janie Shores	Alabama Supre[illegible] Court
Genevieve Blatt	Pennsylvania Commonwealth Court
Rita Davidson	Maryland Court of Appeals
Mildred L. Lillie	California Court of Appeals

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[31] No woman presently sits on the nine (9)-member U.S. Customs Court.

Sonia Morgan	New Jersey Superior Court Appellate Division
Naomi E. Morris	North Carolina Court of Appeals

The Women's Bureau, Department of Labor, reports, in the 1970 decennial census, of the 11,380 judges in the United States, 869 were women, or 7½ percent.

Hiring Practices in the U.S. House and Senate

Compilations by Sex of the People in the Five Top-paying Jobs in Each Congressional Office

While the hiring practices of the executive branch have been studied extensively, the employment status of women working in the legislative branch has not been examined as closely or as frequently. It is more difficult to study congressional hiring practices. On Capitol Hill there is a placement office but there is no centralized personnel system or standardized set of job titles and office personnel structures. Each senator and representative hires staff without constraint except for the total amount of money allocated for salaries.

Federally Employed Women (FEW) has just completed a study of congressional hiring practices which uncovered some trends regarding women's employment. FEW concluded that the members of the U.S. House of Representatives employ more women in top-level jobs than the senators do. There do not appear to be any significant differences in hiring practices between Democrats and Republicans.

Proportionately, more representatives hire women for top jobs. Only 15 representatives (3.4 percent) have no women in any of the top 5 jobs but 29 (29 percent) of the senators do not have. Eighty-two representatives have women in the top job (19 percent) compared to 8 in the Senate (8 percent). In addition, 7 Representatives have women only in all 5 top-paying jobs. They are Lindy Boggs (D., La.), Sam Gibbons (D., Fla.), Henry Gonzalez (D., Tex.), Delbert Latta (R., Ohio), William Natcher (D., Ky.), Joseph Vigorito (D., Pa.), and John Wydler (R., N.Y.).

In the House, the percentage of women holding the top-paying job is over twice as large as in the Senate. In the House, half of the women in the top job are titled administrative assistant (49 percent), while another 18 percent hold secretarial jobs with various titles such as executive secretary. In the Senate, 5 of the 8 women holding the top job are administrative assistants (62.5 percent).

	*HOUSE**		*SENATE**	
	Dem.	*Rep.*	*Dem.*	*Rep.*
All five top jobs held by women	5 (1.7%)	2 (1.4%)	----------	----------
A woman in the top-paying job	59 (20.4%)	23 (16.0%)	5 (8.3%)	3 (8.1%)
No women in five top-paying jobs	12 (4.2%)	3 (2.3%)	18 (30.0%)	10 (27.0%)

* Percents calculated as ratio of that political party in either the House or Senate.

The study,[32] covering January to June 1975, deals only with personal staffs and does not include committee staffs. While the total number of women on each staff is noted, the tabulations and calculations are based only on the five top-paying jobs. The study gives detailed data for each Member of Congress.

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[32] Full study prepared by Federally Employed Women, Inc., National Press Building, room 485, Wash., D.C. 20045. Copies may be purchased for $4 each.

Federal Laws Prohibiting Sex Discrimination and How To Use Them

Equal Pay Act of 1963, as amended

Effective Date

Generally, for nonprofessional employees—June 1964; for executive, administrative, professional and outside sales employees—July 1972; for most Federal, state and local government employees—May 1974.

Prohibited Acts

Any discrimination[1] in wages (including overtime, sick and vacation pay) and fringe benefits (including health and life insurance, pension and other retirement benefits,[2] profit sharing and bonus plans, credit union benefits) which is based on sex.

Who is Covered?

Generally, if your employer must pay you according to the minimum wage law, the employer is also covered by the Act.[3]

Exemptions From Coverage/Exclusions

Some.[4] See below for listing of exemptions.

Are Labor Organizations Covered?

Yes, a labor organization is forbidden from causing or attempting to cause the employer to discriminate against employees on the basis of sex.

Who Enforces the Provisions?

The Department of Labor's Wage and Hour Division enforces the Act as it applies to private and state and local government employees. By a special agreement, the Division also enforces the law for employees of the Library of Congress, the U.S. Postal Service, the Postal Rate Commission, and the T.V.A. The U.S. Civil Service Commission enforces the Act as it applies to other employees of the Federal government.

How Quickly Does the Agency Act?

The Division does not have a serious backlog of complaints and the Division generally begins its investigation about 90 days after you file.[5]

Procedures in Enforcing the Provisions

You may engage private counsel and file suit immediately[6] or you may choose to have the Division handle your complaint. If the Division concludes that there has been discrimination, it has, in 90 percent of its complaints, obtained back pay and/or wage increases from the employer voluntarily. If voluntary compliance fails, the Division can file suit in court on your behalf.[7]

Remedies and/or Sanctions

In suits filed by the aggrieved employee, the court may grant up to 2 years of back pay (3 years for cases of willful discrimination); a sum equal to the back pay award as compensatory damages or interest; attorney's fees; and wage increases. In suits filed by the Division, the court may grant the back pay, compensatory damages, or interest on the back pay and wage increases. Additionally, the Division may obtain an injunction against future violations.

Affirmative Action Requirements

None.

Time Limit for Filing Complaint

Suits for nonwillful discrimination must be filed within 2 years of the time the discriminatory act occurred, or within 3 years for willful discrimination. If your employer continues to violate the Act, your suit will always be filed on time. The statute of limitations limits the time period for which you receive back pay to 2 years from the time of filing in cases of nonwillful discrimination and 3 for willful discrimination.

How is a Complaint Made?

By telephone or letter or in person to the office of the Wage and Hour Division. No special form is required.

Who Can Make a Complaint?

Aggrieved employees or anyone acting on their behalf and organizations acting on their own behalf or others'.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes.

Notification of Complaints

Complaint procedure is very informal. The Division may or may not inform the employer that a complaint has been filed.

Are Investigations Made Without Complaints on File?

Yes, the Division conducts thousands of routine investigations each year.

Is Harassment Forbidden?

Employers are forbidden from discriminating against or discharging any employee because of a complaint filed or any assistance provided during the enforcement process.[8]

Confidentiality of Names

The Division does not reveal the name of the complainant except for instances when the Division files a suit in court on behalf of the complaining party.

Recordkeeping Requirements and Government Access

Employers are required to keep specific records to which the government has access.

For more information, contact:

Wage and Hour Division
Employment Standards Administration
Department of Labor
Washington, D.C. 20210

or

A Division office near you. Check the white pages of your phone book under "United States Government," Labor Department.

Notes

1. Wage systems which result in unequal pay rates but are based on a merit system, a seniority system, a system that measures earnings by the quality or quantity of production or any other factor than sex are not covered by the Act. (However, each of these systems must be applied equally to men and women.)

2. Employers are permitted to maintain fringe benefits policies which have a differential effect on persons because of their sex, if equal contributions are made for both groups.

3. You should call the Department of Labor's Wage and Hour Division before you decide you are not covered by the Act. If you are not covered, it is possible you might be covered by another Federal statute or a state statute.

4. Exempted from coverage are:
    Military personnel of federal government.
    State and local elected public officials, their staffs, and appointed public officials with policymaking responsibility.

    Some employees of small retail or service businesses.

    Employees of stores with yearly gross sales of less than $225,000 which are part of a chain or conglomerate (exempt until 1977).

    Employees of seasonal recreational centers.

    Some fishing and agricultural workers.

    Employees of local newspapers with a circulation of less than 4,000.

    Newspaper delivery employees.

    Switchboard operators of telephone companies that have less than 750 stations.

    Domestic workers who work less than a total of 8 hours a week or who earn less than $50 during a 3-month period.

    Babysitters and companions to elderly or sick persons who are employed on an occasional or sporadic basis.

5. Although the Act does not reach as many forms of sex discrimination as Title VII, the comparative speed with which your complaint may be handled, can make the Act a more

useful way to proceed, especially if your complaint alleges discrimination in wages only.

6. Under the Act the court may award attorney's fees to the successful complainant.

7. If the Division handles your complaint and you agreed for the Division to obtain a particular sum of money from your employer, you cannot bring a court suit on the same claim if the Division succeeds in collecting that sum. Similarly, you may not sue on the same claim in court, if the Division files a suit on your behalf and the court decides the case.

8. If the employer does discriminate against the complainant, the Division is empowered to file suit against the employer for harassment of the employee. However, it is not settled whether an individual may sue on her own behalf.

Title VII of the Civil Rights Act of 1964, as amended

Effective Date

July 1965, for nonprofessional and professional workers in private sector.

March 1972, for employees of state and local governments and educational institutions.

Prohibited Acts

Any discrimination based on sex in hiring, firing, promotion, wages, classification, employment referrals, or assignment, extending or assigning the use of facilities, training, apprenticeships, fringe benefits, including medical, maternity benefits, life insurance, pension and retirement programs, and any other conditions or privileges of employment.

Who is Covered?

Employers of 15 or more employees, including public and private employees, public and private employment agencies, labor organizations, labor-management apprenticeship committees, state and local governments and educational institutions.

Exemptions From Coverage/Exclusions

The Federal Government, the government of the District of Columbia, Indian tribes, and bona fide private membership clubs are not covered by Title VII, although Title VII obliges the Federal government to undertake an affirmative equal employment opportunity program. Sex-based classification is permitted in the very narrow and limited circumstances where it can be shown to a bona fide occupational qualification (BFOQ).

Are Labor Organizations Covered?

Yes, labor organizations which operate a hiring hall or office, or have 15 or more members are covered by Title VII.

Who Enforces the Provisions?

Equal Employment Opportunity Commission (EEOC).

How Quickly Does the Agency Act?

The average time required for resolution is 30 months.

Procedures in Enforcing the Provisions

When your complaint is received at an EEOC district office, you will be interviewed to verify the contents and asked if you are willing to proceed with your complaint. If there is a qualified state or local fair employment agency, EEOC will refer your complaint to them.[1] Because of EEOC's enormous backlog of cases and problems in processing, some time may elapse before investigation begins. EEOC will attempt to conciliate and if that fails, it may file and prosecute a law suit.[2] You may obtain private counsel and request a "right to sue" letter, rather than rely on EEOC for investigation and enforcement.[3]

Remedies and/or Sanctions

Among the remedies available are reinstatement, hiring, promotion, back pay,[4] increased fringe benefits, and orders enjoining future discrimination. Attorney's fees may be given to the prevailing party.

Affirmative Action Requirements

Affirmative action may be part of a conciliation agreement worked out by EEOC, or it may be ordered by a Federal court.

Time Limit for Filing Complaint

180 days.

How is a Complaint Made?

By a sworn complaint form which you may obtain from EEOC.

Who Can Make a Complaint?

Complaints may be filed by an individual, a class of individuals, a third party on behalf of others or a commissioner of EEOC.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes.

Notification of Complaints

The employer is notified of the complaint filed against it 10 days after the EEOC district office receives the complaint.

Are Investigations Made Without Complaints on File?

No, a complaint must be filed with EEOC before it may conduct investigations.

Is Harassment Forbidden?

Employers are forbidden from discriminating against or discharging any employee because of a complaint filed or any assistance provided during the enforcement process.

Confidentiality of Names

The complainant's name is revealed to the party charged with discrimination when the investigation is made. EEOC cannot make public any information about complaints filed with it.

Recordkeeping Requirements and Government Access

EEOC prescribes the recordkeeping requirements for those subject to Title VII. Reports are filed with EEOC.

For more information, contact:

Equal Employment Opportunity Commission
2401 E Street, NW.
Washington, D.C. 20506
or
A regional EEOC office.

Notes

1. EEOC must defer complaints to state and local fair employment agencies which operate under laws comparable to Title VII in scope, and have powers comparable to EEOC's. These agencies are given 60 days to resolve the complaint and if they fail to do so, it is returned to EEOC.
2. Suits against state and local governments can be filed only by the Department of Justice, or individuals.
3. You may request a "right to sue" letter from the EEOC as soon as you file your complaint, or if EEOC must defer to a qualified state or local fair employment agency, at the end of the 60-day deferral period. You must file suit within 90 days after receipt of a "right to sue" letter or notification by EEOC of the conclusion of its proceedings.
4. Backpay is limited to a period beginning 2 years prior to the filing of a complaint with EEOC.

Executive Order 11246, as amended by Executive Order 11375

Effective Date

October 1968.

Prohibited Acts

Discrimination in employment including wages, hiring, promotion, and benefits.[1]

Who is Covered?

Employers and institutions which have contracts[2] with the Federal government in excess of $10,000, and their subcontractors. (All divisions or branches of the contractor are covered.)[3] Applicants for Federal assistance must include prohibitions against discrimination in construction contracts for work performed on Federally assisted programs.

Exemptions From Coverage/Exclusions

Some.[4]

Are Labor Organizations Covered?

The contractor's agreement with a union connot conflict with the nondiscrimination and affirmative action requirements.[5]

Who Enforces the Provisions?

The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has overall responsibility. OFCCP has designated 11 Federal agencies as compliance agencies, and they are responsible for enforcing the Order.[6]

How Quickly Does the Agency Act?

The answer depends upon the compliance agency responsible for enforcement. However, many of the compliance agencies have experienced long delays in processing complaints, and you may wish to pursue your complaint under other statutes as well.

Procedures in Enforcing the Provisions

Complaints may be filed with OFCCP or with the compliance agency. The agency should review it within 60 to 90 days.[7] The compliance agency notifies OFCCP if no discrimination is found.[8] If a finding of discrimination is made, the agency should issue a notice to the contractor requiring it to show why sanction proceedings should not begin. In practice, the compliance agency first tries to negotiate with the contractor to cure the violations.[9]

Remedies and/or Sanctions

The Secretary or the contracting Federal agency may cancel, terminate, or suspend any contract or part of it, and the contractor may be barred from future Federal contracts.[9]

Affirmative Action Requirements

These include the hiring, training, and promotion of women. A contractor with 50 or more employees and a contract of $50,000 or more is required to develop a written plan with goals and timetables for increasing the number of women employed.

Time Limit for Filing Complaint

180 days.

How is a Complaint Made?

By a letter to the OFCCP or the compliance agency directly. No special form is required.

Who Can Make a Complaint?

Any person or organization acting on their own behalf or on behalf of any aggrieved individuals.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes, OFCCP usually processes class action complaints, those alleging a pattern or practice of discrimination. Individual complaints of discrimination are referred to the Equal Employment Opportunity Commission (EEOC).[10]

Notification of Complaints

There is no uniform time period for notifying the contractor of the complaint filed.

Are Investigations Made Without Complaints on File?

Yes, compliance agencies are required to conduct compliance reviews before contracts over $1 million are awarded. Compliance agencies may conduct periodic compliance reviews of all contractors.

Is Harassment Forbidden?

Contractors are forbidden from discriminating against or discharging any applicant or employee because of a complaint filed or any assistance provided during the enforcement process.

Confidentiality of Names

No pledge of confidentiality is made by OFCCP or any of the compliance agencies.

Recordkeeping Requirements and Government Access

The Order requires contractors to gather and keep certain kinds of information which will aid the compliance agencies in their reviews.

For more information, contact:

Office of Federal Contract Compliance Programs
Employment Standards Administration
Department of Labor
Washington, D.C. 20210
or
The regional office of the Labor Department.

Notes

1. Present guidelines do not require contractors to provide same benefits for maternity as are provided for other temporary disabilities. Contractors are permitted to maintain fringe benefit policies which have a differential effect on persons because of their sex, so long as the contractor makes equal contributions for both groups.

2. The term "contract" is given a broad meaning and covers many Federal government contracts nominally entitled "grants" which involve a benefit to the Federal government. The term "assistance" includes grants, loans, insurance, or guarantees.

3. Guidelines exempt divisions or agencies of state and local governments which do not specifically participate in work under the Federal contract.

4. The Secretary of Labor may exempt a contractor and certain classes of contracts from the nondiscrimination provisions of the Order.

5. If a union interferes with the nondiscrimination requirements, the Secretary of Labor may report the interference to the EEOC for further proceedings.

6. Generally, the compliance agencies are assigned their enforcement responsibilities in specified areas or industries and not on the basis of which Federal agency signed the contract.

7. However, many reviews have taken longer.

8. If no discrimination is found, you will be notified and informed of your right to appeal the finding of OFCCP. If OFCCP decides no discrimination has occurred, the question of whether you may obtain judicial (court) review of the decision remains unclear.

9. Fund cut-offs have rarely been applied and the Order has not been very effective in curtailing discrimination. OFCCP has recently taken the position that backpay be awarded, but it has not developed a standard for determining the amount due a class of women.

10. You should file your complaint with EEOC at the same time you file with OFCCP. If your complaint is referred to EEOC after the 180-day period for filing has passed, some courts have decided that it is barred by the statute of limitations, even though it was filed with OFCCP in time.

ECOA amendments may change information contained in this section.

Title IX of the Education Amendments of 1972, as amended

Effective Date

July 1973, for admissions provisions.
July 1972, for all other provisions.

Prohibited Acts

Generally,[1] Title IX and the implementing regulations prohibit discrimination based on sex including admissions, financial aid, rules governing behavior, access to courses and training programs, extracurricular activities, other educational programs and employment discrimination including wages, recruitment, hiring, job classification, and most fringe benefits. Regulations provide that recipients must treat pregnancy, childbirth, and termination of pregnancy the same as any other temporary disability.

Who is Covered?

All educational institutions which receive Federal money including preschools, elementary, secondary and vocational schools, colleges and universities, and noneducational institutions which receive Federal money for educational programs.

Exemptions From Coverage/Exclusions

Girl and boy scouts, the YWCA and YMCA, certain single-sex youth services, and social fraternities and sororities. Religious institutions are exempt to the extent the nondiscrimination provisions conflict with religious doctrine. Military schools are exempt if their primary purpose is to train individuals for the military services of the United States or Merchant Marine. Certain institutions are exempt from the admissions provisions.

Are Labor Organizations Covered?

No, however, the agreement may not contain provisions inconsistent with Title IX.

Who Enforces the Provisions?

The Office for Civil Rights (OCR) of the Department of Health, Education, and Welfare.

How Quickly Does the Agency Act?

There is a substantial backlog of complaints on file; lengthy delays are common.

Procedures in Enforcing the Provisions

Title IX regulations require institutions to establish internal grievance procedures which may be used by the complainant if she wishes. The regional office conducts an investigation to determine if violations have occurred.[2] OCR will then try to secure voluntary compliance. If that fails, OCR may begin administrative procedures to suspend or terminate Federal financial assistance, or it may refer the matter to the Justice Department with a recommendation that court proceedings begin.

Remedies and/or Sanctions

Remedies for employment discrimination include reinstatement, backpay, promotion, tenure and equalization of most benefits. For discrimination against students, remedies include equal access to training programs, equalization of rules governing behavior, equal admissions and financial aid criteria, and other remedies. Sanctions that may be applied include the suspension or termination of Federal financial assistance.

Affirmative Action Requirements

If discrimination is found to have occurred, affirmative action may be required.

Time Limit for Filing Complaint

180 days.

How is a Complaint Made?

By letter to OCR. No special form is required.

Who Can Make a Complaint?

Any person or organization acting on their own behalf or another's.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes, however, most individual complaints of employment discrimination will be referred to other Federal agencies having jurisdiction.

Notification of Complaints

There is no set time period for notification; however, OCR will inform an institution shortly before investigation begins.

Are Investigations Made Without Complaints on File?

Yes, OCR can conduct periodic reviews in absence of complaints.

Is Harassment Forbidden?

Institutions are forbidden from discriminating against or discharging any person because of a complaint filed or any assistance provided during the enforcement process.

Confidentiality of Names

At present, no pledge of confidentiality can be made.

Recordkeeping Requirements and Government Access

Covered institutions are required to keep specific records.

For more information, contact:

Office for Civil Rights
Department of Health, Education, and Welfare
Washington, D.C. 20201
or
A regional office near you.

Notes

1. Title IX's requirement of nondiscrimination in admissions does not apply to private undergraduate schools, nonvocational elementary and secondary schools and public undergraduate institutions which have continuously admitted members of one sex since their beginning; Title IX regulations do not forbid an institution from awarding single-sex scholarships according to the terms of a will or bequest or trust, if the overall effect of financial aid is not discriminatory; Title IX regulations require physical education classes be coed except for contact sports, and classes based on ability, and permit single-sex teams when selection is based on competitive skill and for contact sports.

2. OCR is using the procedural regulations applicable to Title VI of the Civil Rights Act of 1964 pending adoption of consolidated procedural regulations.

Title VII and Title VIII of the Public Health Service Act, as amended

Effective Date

November 1971.

Prohibited Acts

As a condition of receiving Federal financial support, institutions may not discriminate on the basis of sex: in admissions; in participation in any research or training program; against employees who work directly with applicants to or students in the program;[1] in providing financial aid[2] or any other benefit. Regulations provide that institutions must treat pregnancy, childbirth, and termination of pregnancy the same as any other temporary disability.

Who is Covered?

Schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, public health, nursing, allied health professions, affiliated hospitals, and undergraduate institutions which provide health training programs which receive Federal financial support[3] under the Titles.

Exemptions From Coverage/Exclusions

Some.[4]

Are Labor Organizations Covered?

No, but the terms of a collective bargaining agreement applicable to employees covered by Titles VII and VIII may not discriminate on the basis of sex. Therefore, institutions may not be a party to discriminatory agreements.

Who Enforces the Provisions?

The Office for Civil Rights (OCR) of the Department of Health, Education, and Welfare.

How Quickly Does the Agency Act?

There is a significant backlog of complaints and long delays frequently characterize enforcement efforts.

Procedures in Enforcing the Provisions

Complaints which allege individual discrimination are usually referred to the Department of Labor and then to EEOC, since most institutions covered by the Act are also covered by Executive Order 11246. Student complaints and complaints which allege discrimination against a class, a pattern or practice, are sent to the HEW regional office for investigation. OCR will attempt conciliation with the institution, and if that fails, may begin sanction proceedings.[5]

Remedies and/or Sanctions

Remedies for employment discrimination include reinstatement, backpay, promotion, tenure, and equalization of most benefits. For discrimination against students, remedies include equal access to training programs, equal admissions and financial aid criteria. Sanctions that may be applied include the suspension or termination of Federal financial assistance.

Affirmative Action Requirements

If OCR finds an institution has discriminated, it may require such action from the institution.

Time Limit for Filing Complaint

180 days.

How is a Complaint Made?

By letter addressed to OCR. No special forms are required.

Who Can Make a Complaint?

Any person or organization acting on their own behalf or that of any aggrieved person.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes. Most individual employment complaints will be referred to the Department of Labor and then to EEOC for processing. You should file with EEOC at the same time you file with OCR.

Notification of Complaints

No procedure has been established for informing an institution of complaints filed against it.

Are Investigations Made Without Complaints on File?

Yes, OCR is empowered to conduct periodic compliance reviews.

Is Harassment Forbidden?

Institutions are forbidden from discriminating against or discharging any person because of a complaint filed or any assistance provided during the enforcement process.

Confidentiality of Names

At present, no pledge of confidentiality can be made.

Recordkeeping Requirements and Government Access

Institutions are required to keep certain information which assists OCR in making its determinations under the Act.

For more information, contact:

Office for Civil Rights
Department of HEW
Washington, D.C. 20201
or
A regional office near you.

Notes

1. The institution is prohibited from discriminating against such employees in recruitment, hiring, promotion, layoffs, firing, wages, job assignment, leaves of absence for pregnancy or childcare, fringe benefits, and other conditions and privileges of employment.

2. Institutions may administer scholarships, fellowships and other forms of financial assistance according to the terms of the will or bequest requiring the award be given to members of one sex only, so long as the overall effect of these does not discriminate on the basis of sex.

3. Federal support includes grants, contracts, a loan guarantee or interest subsidy payment.

4. Title VII of PHSA was amended in 1974 to exclude from the sex discrimination provisions any medical school in the process of changing its admission of women only to admission of both sexes, if the school is changing its admission policy in accordance with a plan approved by the Secretary of HEW.

5. OCR is using the procedural regulations applicable to Title VI of the Civil Rights Act of 1964 until it issues final consolidated regulations. Administrative enforcement is more likely to result in the delay of new funding to the institution than termination of funding.

Title VIII of the Civil Rights Act of 1968, as amended

Effective Date

August 22, 1974.

Prohibited Acts

To refuse to sell or rent or negotiate the sale or rental of housing; to discriminate in the terms, conditions, privileges, services or facilities related to the sale or rental of housing because of sex; to advertise in a manner that indicates discrimination based on sex; to falsely represent the nonavailability of housing because of the applicant's sex; to discriminate in lending or otherwise because of the applicant's sex; and to discriminate in membership in real estate broker's organizations and similar services because of sex.[1]

Who is Covered?

Multifamily dwellings of five units or more or those containing four or fewer units if the owner does not reside in one unit; single-family houses not owned by private individuals or those owned by private individuals who own more than three such houses; and single-family houses owned by private individuals who in any 2-year period sell more than one in which the owner was not the most recent resident. These kinds of housing are covered whether federally assisted or not.

Exemptions From Coverage/Exclusions

Some.[2]

Are Labor Organizations Covered?

Yes, if involved in real estate transactions described above.

Who Enforces the Provisions?

The Office of the Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Development (HUD).

How Quickly Does the Agency Act?

There is a backlog of complaints in some regions and delays may be encountered.

Procedures in Enforcing the Provisions

HUD must refer complaints to state or local agencies which operate under laws providing rights and remedies substantially equivalent to Title VIII. HUD may reactivate the complaint if proceedings are not instituted within 30 days or other later action is not taken. For these and complaints not requiring referral, HUD decides whether to resolve the complaint. If HUD decides not to, the complainant must be notified of the right to file suit within 30 days.[3] If HUD decides to resolve the complaint, it will use informal methods of conciliation and persuasion to end the discriminatory practice. If voluntary compliance is unsuccessful, the aggrieved individual shall be informed of the right to file suit.

Remedies and/or Sanctions

Administrative enforcement can result in securing the housing or dwelling for complainant, affirmative action requirements, and/or money damages. Judicial remedies include all of the above, and injunctive relief and punitive damages.

Affirmative Action Requirements

An affirmative nondiscrimination policy may be part of a conciliation agreement with HUD.

Time Limit for Filing Complaint

180 days. Civil suits must be filed within 30 days after the complainant receives notice from HUD that it will not resolve the complaint or that conciliation efforts are being terminated.

How is a Complaint Made?

Either by a sworn complaint form or a sworn statement which provides sufficient information. Complaints may be telephoned to HUD by calling a toll free number:

800-424-8590.

Who Can Make a Complaint?

Any person who has been injured by a discriminatory practice or believes she is about to be injured, or any organization acting on behalf of the aggrieved person.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes.

Notification of Complaints

The party named in the complaint will be notified after HUD decides that it will resolve the complaint.

Are Investigations Made Without Complaints on File?

No.

Is Harassment Forbidden?

Yes.

Confidentiality of Names

No pledge of confidentiality can be made.

Recordkeeping Requirements and Government Access

No, but the power to issue subpoenas and use interrogatories is available for administrative enforcement.

For more information, contact:

Assistant Secretary for Equal Opportunity
Department of Housing and Urban
Development
Washington, D.C. 20410
or
A regional office near you.

Notes

1. Section 109 of the Housing and Community Development Act of 1974 provides that no person shall be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded wholly or partially with funds provided under Title I of the Act because of their sex, race, color, or national origin. Title I covers most community development plans such as urban renewal, model cities, public facilities, water and sewerage programs, open space programs, and historic restorations. Employment in any of these programs as well as the receipt of any services or benefits must be non-discriminatory. Compliance activities include conciliation efforts, civil action by the Attorney General, and the suspension or termination of funding. To determine if a particular community development plan is covered by the Act, you may contact any of HUD's 39 area offices, listed under "United States Government" in the white pages of the phone book, or write to the Assistant Secretary for Community Planning and Development, Department of HUD; Washington, D.C. 20410.

2. Single-family houses owned by a private individual who owns less than three houses are not covered if a broker is not used, discriminatory advertising is not used and no more than one house in which the owner was not the most recent resident is sold during any 2-year period; rental of rooms or units in owner-occupied multi-unit dwellings for two to four families; religious organizations in giving preference to members if the dwellings are not operated for commercial purposes; and private clubs in giving preference to members in "lodging" which is not operated for commercial purposes and is an incident of their primary purpose.

3. Title VIII permits suits to be filed by aggrieved individuals in federal district courts unless the individual has a judicial remedy under a state or local law which is substantially equivalent to Title VIII.

ECOA amendments may change information contained in this section.

Equal Credit Opportunity Act of 1974 (Amendments to the Act will probably become law early in 1976)

Effective Date

October 28, 1975.[1]

Prohibited Acts

Creditors are prohibited from discriminating against any applicant on the basis of sex or marital status in any aspect of a credit transaction.[2] Discrimination is defined by regulations as treating an applicant less favorably than another.[3]

Who is Covered?

Those who regularly extend credit to individuals, including banks, finance companies, department stores, credit card issuers, and government agencies such as the Small Business Administration. All types of credit are covered by the Act, including credit for business, consumer goods, home financing and education.

Exemptions From Coverage/Exclusions

None; however, creditors in credit transactions other than consumer credit must only comply with portions of the regulations.

Are Labor Organizations Covered?

Yes, if they regularly extend credit to individuals.

Who Enforces the Provisions?

Compliance with the Act is enforced by private litigation and Federal agencies. Section 704 of the Act (P.L. 93–495) designates particular areas of responsibility for each agency.[4] The Federal Trade Commission is given enforcement power for areas not specifically designated, including retail credit and small loan companies.

How Quickly Does the Agency Act?

Private suits may be brought under the Act. The enforcing agencies generally do not obtain relief for individuals. Instead the agency will try to make the creditor's policy conform with the Act. There is no uniform procedure which determines when the agencies may begin their enforcement process.

Procedures in Enforcing the Provisions

The enforcement process involves two separate procedures. Aggrieved individuals may file suit in any federal district court without utilizing or exhausting the administrative process. Individuals may also notify the particular agency charged with enforcement. The agency may investigate according to its own procedures.

Remedies and/or Sanctions

Aggrieved individuals may obtain money damages in civil suits. An amount equal to the actual damages suffered may be recovered by an individual or class of individuals. Punitive damages not exceeding $10,000 are available in individual actions, in class actions they may not exceed the lesser of $100,000 or 1 percent of the creditor's net worth. Injunctive relief is available as are attorney's fees and costs if the action is successful. Enforcing agencies may exercise any authority conferred by law including cease and desist powers and levying fines.

Affirmative Action Requirements

None.

Time Limit for Filing Complaint

One year.

How is a Complaint Made?

No uniform procedure has been established by the enforcing agencies. Civil suits may be filed in any Federal district court.

Who Can Make a Complaint?

Any person or organization acting on their own behalf or others' may notify the enforcing agency. Individuals and organizations acting on their own behalf and others' may file suit.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes.

Notification of Complaints

No uniform procedure has been established by the enforcing agencies for notifying creditors of complaints received.

Are Investigations Made Without Complaints on File?

Yes, enforcing agencies may do so in carrying out responsibilities delegated by other statutes.

Is Harassment Forbidden?

At present, there is no specific provision concerning harassment.

Confidentiality of Names

No uniform procedure has been established;

however, agencies will generally try to keep a complainant's name confidential, if so requested.

Recordkeeping Requirements and Government Access

Consumer creditors must keep application forms and other written information used in evaluation and an applicant's statement alleging discrimination for 15 months after final action is taken on the application.[5] Other statutes require creditors to keep information which may assist in determining if discrimination has occurred.

For more information, contact:

Board of Governors
Federal Reserve System
Washington, D.C. 20051

Notes

1. Some specific regulations to enforce the Act do not take effect until 1976.

2. Sex discrimination in home financing is also prohibited by the Fair Housing Act of 1968, as amended.

3. Among the specific acts prohibited by regulations are the discounting of the income of an applicant or spouse on the basis of sex or marital status; a credit "scoring" system used for evaluation of applicants which assigns a value to one sex or marital status; requesting information about birth control or childbearing capability; and requiring a change in the terms of an existing account, or reapplication or termination on the basis of a change of name or marital status of a person who is contractually liable on an account without evidence that the applicant is unable or unwilling to pay.

4. The Board of Governors of the Federal Reserve Board issues regulations to enforce the Act. However, each of the enforcement agencies may establish rules concerning enforcement procedure.

5. If the creditor is notified that its actions are under review by an enforcement agency or a court, it must retain the information until final disposition of the case, or until notified.

ECOA amendments may change information contained in this section.

Revenue Sharing (State and Local Fiscal Assistance Act)

Effective Date

October 1972.

Prohibited Acts

Any department or division of government or any program or activity funded in whole or part by general revenue sharing money may not discriminate on the basis of sex. The Act reaches a wide variety of activities including the denial of services or benefits, employment discrimination, and the establishment of different criteria for eligibility or admission to various programs. Regulations provide that recipients must treat pregnancy, childbirth, and termination of pregnancy the same as any other temporary disability.

Who is Covered?

All general governments receiving general revenue sharing money, including state governments and the District of Columbia, local governments, Indian tribes and Alaskan native villages and "secondary recipients" (nonprofit and private groups and other government units receiving revenue sharing funds directly from the recipient). Over 38,000 state and local entities are covered.

Exemptions From Coverage/Exclusions

None.

Are Labor Organizations Covered?

No; however, the terms of an agreement applicable to covered employees may not discriminate on the basis of sex.

Who Enforces the Provisions?

The Compliance Division of the Office of Revenue Sharing (ORS), Department of Treasury.

How Quickly Does the Agency Act?

There is no set time within which ORS will act.

Procedures in Enforcing the Provisions

ORS initially acknowledges receipt of your complaint and notifies local and state officials of its receipt. ORS may conduct its own investigation and will seek voluntary compliance. If that fails, ORS may begin administrative proceedings that can result in the withholding of all future revenue sharing payments and the recovery of sums spent, or the matter may be referred to the Department of Justice with a recommendation that civil action be instituted.

Remedies and/or Sanctions

If employment discrimination has occurred, ORS will seek whatever remedies are appropriate, including backpay, promotion, and reinstatement. If discrimination has occurred in the denial of benefits to a group, ORS will seek the provision of such services. ORS may recover money spent in violation of the statute and/or may withhold future payments until satisfactory compliance is achieved.

Affirmative Action Requirements

Yes, it may be required if ORS finds discrimination has occurred. In the absence of a finding of discrimination, regulations "encourage" recipients to correct any imbalance in services or facilities to a group, to overcome the effects of past discrimination.

Time Limit for Filing Complaint

None.

How is a Complaint Made?

By letter to ORS. No specific form is required.

Who Can Make a Complaint?

Any person or organization acting on their own behalf or another's.

Can Complaints of a Pattern or Practice of Discrimination be Made as Well as Individual Complaints?

Yes.

Notification of Complaints

ORS will notify state and/or local officials, if it believes violations have occurred.

Are Investigations Made Without Complaints on File?

Yes, the Act permits periodic reviews in the absence of complaints.

Is Harassment Forbidden?

Yes, regulations forbid any discrimination or intimidation of any person because of a complaint filed or any assistance provided during the enforcement process.

Confidentiality of Names

No pledge of confidentiality is made; however, ORS policy is to not reveal the complainant's name without permission.

Recordkeeping Requirements and Government Access

Recipient governments must maintain certain records which assist ORS in determining if violations have occurred.

For more information, contact:

Compliance Manager
Office of Revenue Sharing
Department of Treasury
2401 E Street, NW.
Washington, D.C. 20004

This list of Federal laws and regulations has been compiled by Denise Brender Leary, Women's Equity Action League, under contract with the National Commission on the Observance of International Women's Year, March 1976.

World Plan of Action—A Decade for Women and Development

The World Plan of Action is a set of guidelines and timetables for accomplishing the objectives of IWY and the projected United Nations Decade for Women and Development.[33] First drafted in the U.N. Secretariat, then refined by a consultative committee for the World Conference in March 1975, the Plan became Item II of the Mexico City Conference agenda and was made the responsibility of the First Committee. During the first four committee meetings, the Plan was subjected to prolonged debate and besieged by nearly 900 suggested amendments. This figure does not include 69 amendments proposed by unofficial conferees of the Tribune. Although these latter amendments were never brought to the official meetings of the Conference, Tribune participants were aware, through contacts with their delegates, that they had a marked influence on the Plan as it finally emerged from the World Conference.

In the Conference committee meetings, intense negotiation ensued over the introduction and first chapter of the World Plan resulting in insertion of the so-called "Mexican Theme," a reference to the Conference opening call by President Echeverria of Mexico for the establishment of a "New International Economic Order" as a prerequisite for improving the status of women in the Third World. This formulation of women's problems was not in accord with the position of the U.S. delegation, which felt, almost conversely, that greater equality for women would enhance development. Nevertheless, after concerted efforts by a Mexican-headed group of 77 countries (G-77) to bring purely political matters into the report of the First Committee, a closely negotiated and revised World Plan of Action was adopted in committee without a vote and presented to the Plenary.

The World Plan of Action is regarded as the most constructive product of the Mexico Conference. It is basically a plan for worldwide improvement of the status of women, not only by strengthening and enforcing measures, which already exist at all levels of government (where lip service is now more the rule than the exception), but also by developing new programs to help insure equality and self-determination for women in the legal, economic, political, social, and cultural aspects of their societies. The Plan calls for full participation of women in planning for development and in all efforts to promote and maintain peace.

In the section on *National Action*, certain minimum goals, target dates, and strategies for involving women in governmental and nongovernmental sectors of national life are recommended, along with key areas for action: International cooperation and the strengthening of international peace; political participation commensurate with women's numbers; education and training as a right and a means of advancement; employment in accord with skills; equity of compensation; recognition of domestic work as employment; adequate social security coverage and childcare facilities; participation in and ready access to health and nutrition programs; re-evaluation of the role of women in family life and marriage practices; provision of information and means for individual determination of numbers and spacing of offspring; consideration of the special needs of women in the planning and design of housing; and attention to the more balanced development of social services, with particular reference to the needs of the migrant, the elderly, the delinquent, or criminal woman.

Another part of the Plan points to the lack or unsuitability of data regarding the status and participation of women in national life. It suggests more sex-differentiated methods of research, data collection, and analysis as a means of judging and improving the contributions of women to development and change in society.

Noting the role of the media in frequently portraying a negative image of women or in imposing alien values upon different societies, the Plan calls upon media management to review itself critically in this regard, to accord a real and proper dignity to its depiction of women, and to hire more women to help them do it.

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[33] Resolution 3520 (xxx), 30th sess., U.N. General Assembly, Dec. 15, 1975.

A section of *International and Regional Action* urges that the United Nations proclaim 1975–85 the Decade for Women and Development. All U.N. agencies, member governments, regional commissions, and adjunct international organizations are called upon to implement the goals of the World Plan of Action and to work for equitable involvement of women at all levels of their planning and program development.

Finally, as a means of gauging its impact and progress toward its goals, the Plan requires regular *Review and Appraisal* by all relevant institutions. The Economic and Social Council is charged with evaluating these findings and recommending any changes in the Plan.

Meanwhile, in the Plenary Sessions of the Mexico Conference, attempts to politicize the proceedings were increasing. Substantial majorities voted to condemn Zionism as racism; to give support to the aims of the Charter of Economic Rights and Duties of States (CERDS) against which the United States had voted in the 29th U.N. General Assembly; and to back up Echeverria's opening call for a New International Economic Order (NIEO). The U.S. delegation could support none of these resolutions. Nor could it support G-77's Declaration of Mexico, which insisted on linking women's inequality to underdevelopment and called again for a new and just international economic order; it contained a seemingly gratuitous statement of "the inalienable right of nationalization" (without reference to compensation) and made inflammatory references to Zionism.

These features of the Declaration foreshadowed the contentiousness of debate which would greet Conference resolutions in the coming U.N. General Assembly, but it did otherwise support the objectives of IWY. It called upon governments and nongovernmental organizations of all countries to work for the advancement of women in all aspects of their lives.

In the end, the delegates to the Mexico Conference were sufficiently united in their goals to adopt the World Plan of Action by consensus. Thirty-five other resolutions were approved,[34] a majority of which concerned the integration of women into development planning and leadership. The U.S. delegation was particularly instrumental in the passage of resolutions urging the United Nations to take exemplary action in its own personnel policies by eliminating discrimination against women and to examine the impact on women of its own programs.

The Conference adjourned with a recommendation that the U.N. General Assembly convene a second world conference in 1980.

When the Conference decisions were brought to the Thirtieth General Assembly, they were assigned for discussion to the Third Committee, where they were considered in the disturbed and nearly disastrous light of that body's vote decreeing Zionism to be racist in intention. U.S. representatives continued to support the objective of Assembly endorsement of the World Plan of Action and its implementation through a Decade for Women. But they were forced to resist further efforts to politicize women's issues, even to the extent of withdrawing U.S. support for the Decade to Combat Racial Discrimination.[35]

On December 15, 1975, the General Assembly adopted 10 resolutions and one committee decision on women's issues. The United States supported eight, voted against two with unacceptable language about the "elimination of racism," and abstained on an omnibus resolution because it raised the issue of Zionism. In spite of its abstention, the U.S. delegation strongly supported that resolution's provisions for implementing the Plan and the Decade, its call for a mid-term world conference, the review procedures, the establishment of an International Institute For the Advancement of Women, and its request for a widespread publicity campaign.

The committee decision, passed by acclamation, asked the next session of the Economic and Social Council to provide funding for the Decade.

In sum, the actions of the Assembly showed informed and worldwide support for the goals of IWY as first articulated in Mexico.

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[34] The U.S. delegation voted against five political resolutions and registered disapproval of certain others which passed without vote.

[35] Paragraph 186, World Plan of Action, as adopted in Mexico City.

Who Shall Speak For Our Nation's Women?

An American Dialogue[36]

By Jill Ruckelshaus
Presiding Officer of the Commission on the Observance of International Women's Year

Last June, as a member of the U.S. delegation, I attended the World Conference for International Women's Year, sponsored by the United Nations and held in Mexico City. This was the first time that women from so many different nations—133 countries in all were represented—met together to focus the attention of the world on the prejudices and lack of opportunities that face women everywhere. In spite of the differences that still divide nations, a solidarity and sense of common interest united women from every country. When the 2 weeks were over, all of us felt we had proved the existence of a real international women's movement.

But long after the days of speeches and the hours of self-serving political cant have slipped off the edge of my memory, a single event will remain—an event that took place one Saturday morning at the American Embassy and that made me very proud to be an American.

The air that morning was cool and fresh; rain the night before had scrubbed the streets. The tall trees and flowering shrubs along the Avenida de la Reforma were brilliant green in the sun. Morning is the best time in Mexico City, unless you love the city's frantic late-night restaurant and club life. In the morning, before the cars choke the streets, you can walk freely along the wide avenues, smelling the faint fragrance of morning blossoms and watching the city wake up.

The American Embassy was hosting an informal meeting between the members of the U.S. delegation to the Conference and the hundreds of other Americans who had come to Mexico City to be part of this International Women's Year event.

We hadn't been seeing very much of each other. Unaware that the official U.N. Conference was restricted to national delegations alone, the Americans who had come to Mexico City assumed they would be able to participate along with us and were sorely disappointed when they learned they could not. As an alternative, they attended the seminars and discussions at the Tribune, a nonofficial, privately funded International Women's Year Conference held 5 miles away, at Mexico City's National Medical Center.

Those Americans attending the Tribune felt distant from the delegation at the official Conference; the delegation, moving to a slow minuet of diplomatic protocol, often working from 7:30 a.m. until long past the dinner hour, felt just as isolated from the women at the Tribune. Frustration and anger began to build as some Tribune women felt that they weren't being truly represented by the delegation at the official Conference. Since the U.N. Conference was supposed to concern all women, they wondered why had they been excluded? Why couldn't their voices be heard in the Conference halls? How could the delegation presume to speak their grievances and express their points of view?

John Jova, the American Ambassador to Mexico, sensed that both groups of Americans—the official delegation and the women attending the Tribune—needed an opportunity to meet and break the ice, and he volunteered the use of the American Embassy for that purpose.

Walking up the steps to the Embassy gate that Saturday morning, past the young Marine guards with their polished, imperturbable air, I stopped to watch the American flag ruffling in the light breeze. Inside, the Embassy was serene and ready for guests. In one of the large first-floor wings of the building, tables were piled with pamphlets on and photographs of women in the arts, women in science and industry, women's accomplishments—all provided by the U.S. Information Agency. Films of women at work and of interviews with well-known American women were being projected on a far wall. Pots of hot, fresh-brewed coffee stood ready for the guests when they arrived.

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[36] Reprinted with permission from *Redbook* magazine, Mar. 1976.

As I took the elevator to the delegation's third-floor office to read reports and cables from the previous day, I hoped that many women would make the effort to come, enjoy the hospitality of the Embassy and help the delegation understand their grievances. Half an hour later, the entire wing was packed with hundreds of women. Everyone was exchanging views on the unfairness of the official Conference. Reporters and television crews were busily covering the event. The noise of excited talking was deafening.

Then the members of the U.S. delegation squeezed through the crowd and sat in a semicircle of chairs, facing the audience. Pat Hutar, the head of the delegation, stood up to open the meeting. From my seat in the semicircle I searched the rows of faces. I didn't know most of the women, but I felt a surge of affection for all of them. They had come so far—many at their own expense—because they cared so much about what would happen here in Mexico City.

My reverie lasted about 10 seconds before loud, rhythmic chanting began in the first few rows of the audience. Directed at the delegation, the voices were challenging the fact that a small, select group of women had been appointed to represent all the women in America. Although the shouting came from about 10 percent of the approximately 400 people in the audience that morning, the strength of their voices was enough to interrupt the program.

Pat Hutar invited the spokeswoman for the dissenters to take the floor. The speaker voiced a furious assault on the delegation and on a government that she felt demonstrated only its discriminatory practices by singling out a small group of Americans to speak for so many. When Daniel Parker, co-head of the delegation and administrator of the U.S. Agency for International Development, tried to speak, he could barely be heard above the noise, now coming from both the protesters and from women in the audience attempting to shush them. The presence of the television cameras and bouquets of microphones above our heads elevated the emotional tension. Noise and confusion reigned.

Then Pat Hutar asked the members of the official U.S. delegation to introduce themselves, one by one, to the crowd. Jewel LaFontant, former Deputy Solicitor General of the United States, was the first delegate to speak. As she began to talk forcefully and eloquently of her involvement in the civil rights movement of the 1960's, the room quieted down. Racism, she said, was still very much a problem in the United States. But, she added, as one of the official delegates to the Conference, "I am going to do my job—I hope you're with me!" She was cheered and applauded.

Taking heart, other delegation members rose one by one to identify themselves. Each told of her involvement in attempts to end social injustice in our country. Some women were the daughters of immigrants, and their early lives had been a hard struggle against poverty and prejudice. There were women who for years had worked at the lowest paying, most backbreaking jobs before finally making their way up through the system to responsible and influential positions in business and government.

Gilda Bojorquez Gjurich, owner of a construction company in Los Angeles, and Carmen Maymi, Head of the Women's Bureau of the Department of Labor, spoke to their sisters in Spanish. Women in the crowd responded in Spanish. Joan Goodin, an alternate delegate, assured the audience that trade union women were indeed represented at the conference. Now the room was completely quiet. People were listening. They were feeling some wonder at the variety of experiences, some respect for those women whose lives had been stories of the underdog who eventually won. Some of the speakers were near tears. Their words brought tears to the eyes of some of their listeners.

When the delegation had finished, women from the audience rose up and formed a line at the microphone, waiting their turn to give stirring testimony of their lives as American women. We heard from older women who had known for 50 years or more the basic issues behind this world conference. An eloquent black woman, in language that would have graced the most distinguished pulpits, appealed for unity and love among all women.

As each speaker finished and moved to the side of the room several women left the audience to stand beside them, to share moments from lives separated by miles and by time.

Three hours later the last woman to approach the microphone had spoken. Women stood in small clusters all over the hall; the chairs were empty; coffee cups and morning papers were strewed over the floor. An occasional voice still rose in anger, some fingers were still being pointed, but also phone numbers were being exchanged and breakfast meetings arranged. The murmur of voices filled the warm afternoon air. The talking went on and on.

Was the delegation "valid"? Did it truly represent all American women? Probably not. Did the delegation care enough to try to represent all the women of America? Yes. And we were trying to learn, listening hard, wanting to be better able to speak for all of us.

The American Embassy had opened its doors that morning not just to the official delegation, but to all the Americans in Mexico City, and it suspended customary procedure and security to do it. John Jova gave us what we all most needed: a place to shout, to argue, to talk, and finally to understand. The guests were noisy and rude by drawing room standards, but America is not one big drawing room. As in the days of town meetings, the dialogue that's necessary to build coalitions for change will often be loud and contentious.

I can still hear the noise of that morning and see the anger on young faces, but I remember most clearly the moments when the anger was spent, the harsh voices tempered—when we learned that our own harsh experiences can help us to understand another woman's pain.

The spirit that morning was a frontier spirit, restless, impatient, demanding, and assertive—women learning from each other, exchanging a sense of vitality and a feeling of hope. The end of the morning was a uniquely American experience, and one that, whenever I think of it, will always make me feel proud.

Five Whose Lives Touched Mine

By Betty Underwood

We came to Mexico City in the hope of making the world less harsh and more equal for women.

I didn't know it at the time but I came to Mexico and the Tribune to know many courageous, struggling, vigorous, interesting, perverse, and diverse beings.

Images float through my mind: sophisticated Latin women; monumental Africans in high turbans and complex bustle dresses (and what speakers!—the art of fine oratory is alive and well on that continent); brisk, understated Asians; solemn sari-ed Indians; no-nonsense Chinese; utilitarian, Slavic-faced middle Europeans; breezy Australians . . .

From all these, five whose lives touched mine stand out.

There was *Anna Vazov* of Socialist Bulgaria. A factory manager, Anna lives in a world far different from the one I know. In her country, legally anyway, there's no concept of a male as head of household; marriage laws are the same for men and women; assets acquired in marriage are jointly owned no matter who earned them. In divorce, property division is equal even for the traditional homemaker.

On the books is guaranteed right to work and right to equal pay.

"Have you ANY problems at all?" I asked. Yes, she admitted reluctantly. Power in any Socialist state resides in the party apparatus, and there are few Annas in the middle or on top of that heap.

You can see another problem in the lines of Anna's face. She's exhausted. Add her factory hours to her homemaking ones and she's working 80 hours a week. (Her man is no more eager to help her at home than men appear to be anywhere in the world.)

She's come to Mexico City to propose her own special women's vision: Flatout industrialization of housework and food preparation and a vast extension of day care for children.

There was young *Maria Flores Gomez* from El Salvador who could not have come without the money her nurses' association had raised for her. In a rural clinic she serves illiterate, dependent, malnourished, overburdened women from a small, overcrowded country where the population will double in another 20 years and where family planning is disapproved.

In El Salvador the Napoleonic Code sanctions nearly total male domination. Only 3 years ago married women were given control over their minor children. Maria's property rights are restricted.

What bewilders her in Mexico City is that in her world it is believed women should not work together, that there's something perverted in women turning to each other to effect social change.

Sometimes shocked by what she hears in the Tribune, Maria is more comfortable when she shifts feminist questions to the glaring inequities of living standards between developed and developing countries.

And then there was *Thelma Awori* of Uganda, a middle-aged teacher who has come to Mexico hurt and angry. She also has brought along visions of a better future.

In sub-Saharan Africa, the concept that man "provides" for the family is scarcely known. Family life is the woman's role. Cleaning, cooking, and child care go hand-in-hand with raising the stock, tilling the land, gathering the crop, and also lugging the water.

African women's agricultural labor is not computed in the gross national product. (In the West, women's housework and volunteer work go without official recognition too.) What's a woman's value if there's no practical credit for it?

Polygamy has often made an African woman

Betty Underwood, author of this article, was International Women's Year Coordinator for the Oregon Governor's Commission on the Status of Women. In this capacity she attended the Tribune sessions during the World Conference of International Women's Year in Mexico City.

The Tribune was an unofficial body, sponsored by nongovernmental organizations affiliated with the United Nations.

The persons mentioned by Ms. Underwood are real people, but in several instances their names have been changed to protect their identity.

self-sufficient, but now there is the rise of prostitution. Country men are migrating to the cities, leaving behind wives and children.

So what's on Thelma Awori's mind? The need to redefine the male and female roles in African society so that women can count more on men in sharing responsibility. Industrialization, Thelma fears, may further weaken the part men play in African family life.

Men too have come to Mexico City. There's *Firoz Khan*, who manages a Bangladesh cooperative craft federation, which trains village women to produce marketable crafts.

He's an energetic, candid young man who says right off he doesn't give a hang about crafts in themselves; he cares for what they'll do for women. In Bangladesh they make the difference between $2 and $10 a month; and that sometimes is the difference between living and dying.

Firoz tells how once women are involved in the craft federation, he is able to get them to attend village council meetings, a male sanctum. Women often sit quietly in the council for weeks letting the men tell them about the great moneymaking village industry scheme. Then, one woman, less timid than the rest, speaks out. What she says is: "We're doing the work; be quiet and let us talk."

Firoz chuckles, telling that, but there's no laughter in him when he says this same woman begins to put a little money aside and buys a patch of land. Soon she persuades her 14-year-old daughter to stay in school and thus Bangladesh has one less baby born to a 14-year-old bride

But Firoz has a fight on his hands in Mexico City. Many feminists see cottage industry as exploitive of women, a way to underpay them. Yet Firoz knows what $10 means to a hungry woman and her family.

Warren Farrell has flown in, too, to the Tribune session. He is a young male liberationist from the United States.His burden is to speak an American truth as he sees it. A truth that American women are hurting, too, but in ways that may seem complex and mystifying to countries with simpler life or death problems.

Farrell talks of attitudinal changes; of sophisticated psychological experiments being conducted that show men in a group speak twice as often as women; that they routinely "self-listen" to women (meaning they only wait for them to finish talking so they can talk); that they are regarded as supplying the authoritative answers while women are regarded as the naive askers of questions.

Farrell says, "When I stayed home for a year with the kids and my wife had the fascinating professional job, I couldn't get people to stop asking me about my life and ask her about her work life instead."

Put these people together—people from different countries, different races, different cultures. What do you get? Disagreement, of course. But after a few days of shock, a consciousness begins to well up and grow that we have all come together in the commonality of women; we won't be robbed of the strength and promise of that.

And so we have made real the words of Mildred Persinger, the Tribune president, who said, "Women worldwide have communicated. The Tribune is a message, a symbol, a hope."

Public Law 94–167

Ninety-fourth Congress of the United States of America at the first session begun and held at the City of Washington on Tuesday, the fourteenth day of January, one thousand nine hundred and seventy-five

AN ACT

To direct the National Commission on the Observance of International Women's Year, 1975, to organize and convene a National Women's Conference, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress hereby finds that—

(1) International Women's Year, and its World Plan of Action, have focused attention on the problems of women throughout the world, and have pointed to the need for an evaluation of the discrimination which American women face because of their sex;

(2) The Bicentennial year of 1976 is a particularly appropriate time for the United States to recognize the contributions of women to the development of our country, to assess the progress that has been made toward insuring equality for all women, to set goals for the elimination of all barriers to the full and equal participation of women in all aspects of American life, and to recognize the importance of the contribution of women to the development of friendly relations and cooperation among nations and to the strengthening of world peace; and

(3) A national conference of American women, preceded by State conferences, is the most suitable mechanism by which such an evaluation of the status of women and issues of concern to them can be effected.

DUTIES OF COMMISSION

SEC. 2. (a) The National Commission on the Observance of International Women's Year, 1975, established by Executive Order 11832 on January 9, 1975 (hereinafter in this Act referred to as the "Commission"), is hereby continued. The Commission shall organize and convene a national conference to be known as the National Women's Conference (hereinafter in this Act referred to as the "Conference"). The Conference and State or regional meetings conducted in preparation for the Conference shall be held in such places and at such times in 1976 as the Commission deems appropriate.

(b) The Commission shall consult with such National, State, and other organizations concerned with women's rights and related matters as the Commission considers necessary to carry out the purpose of this Act.

COMPOSITION AND GOALS OF THE CONFERENCE

SEC. 3. (a) The Conference shall be composed of—

(1) representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(2) members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

(b) The Conference shall—

(1) recognize the contributions of women to the development of our country;

(2) assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) assess the role of women in economic, social, cultural, and political development;

(4) assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed;

(6) establish a timetable for the achieve-

ment of the objectives set forth in such recommendations; and

(7) establish a committee of the Conference which will take steps to provide for the convening of a second National Women's Conference. The second Conference will assess the progress made in achieving the objectives set forth in paragraphs (5) and (6) of this subsection, and will evaluate the steps taken to improve the status of American women.

(c) All meetings of the Conference and of State or regional meetings held in preparation for the Conference shall be open to the public.

POWERS OF COMMISSION

SEC. 4. The Commission shall—

(1) designate a coordinating committee in each State which shall organize and conduct a State or regional meeting in preparation for the Conference;

(2) prepare and make available background materials relating to women's rights and related matters for the use of representatives to the State and regional meetings, and to the Conference;

(3) establish procedures to provide financial assistance for representatives to the Conference who are unable to pay their own expenses;

(4) establish such regulations as are necessary to carry out the provisions of this Act;

(5) designate such additional representatives to the Conference as may be necessary and appropriate to fulfill the goals set forth in section 3(b) of this Act;

(6) grant technical and financial assistance by grant, contract, or otherwise to facilitate the organization and conduct of State and regional meetings in preparation for the Conference;

(7) establish such advisory and technical committees as the Commission considers necessary to assist and advise the Conference; and

(8) publish and distribute the report required under this Act.

ADMINISTRATION OF COMMISSION

SEC. 5. (a) The Commission may appoint such staff personnel as it considers necessary to carry out its duties under this Act. Such personnel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule. Appointments shall be made without regard to political affiliation.

(b) The Commission may accept, use, and dispose of contributions of money, services, or property.

(c) The Commission may use the United States mails under the same conditions as other departments and agencies of the United States.

(d) The powers granted the Commission by this section shall be in addition to those granted by Executive Order 11832. The powers granted the Commission by Executive Order 11832 may be employed to fulfill the responsibilities of the Commission under this Act.

(e) The Commission, to such extent as it deems necessary, may procure supplies, services, and personal property; make contracts; expend funds appropriated, donated, or received in pursuance of contracts hereunder in furtherance of the purposes of this Act; and exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this Act.

(f) The powers granted the Commission under this Act may be delegated to any member or employee of the Commission by the Commission.

STATE AND REGIONAL MEETINGS

SEC. 6. (a) A meeting in preparation for the Conference shall be held in each State in accordance with regulations promulgated by the Commission, except that in the event the amount of time and resources available so requires, the Commission may combine two or more such State meetings into a regional meeting.

(b) Any State or regional meeting which receives financial assistance under this Act shall be designed and structured in accordance with the goals of the Conference set forth in section 3(b) of this Act.

(c)(1) Each State or regional meeting shall select representatives to the Conference in accordance with regulations promulgated by the Commission and consistent with the criteria set forth in section 3(a) of this Act.

(2) The total number of representatives selected under this subsection shall be appor-

tioned among the States according to population, except that despite such apportionment no State shall have fewer than ten representatives.

REPORT

SEC. 7. The Commission shall submit a report to the President and to each House of the Congress not later than one hundred and twenty days after the conclusion of the Conference, and shall make such report available to the general public. Such report shall contain a detailed statement of the findings and recommendations of the Conference with respect to the matters described in subsection (b) of section 3. The President shall, not later than one hundred and twenty days after the receipt of the report, submit to each House of the Congress recommendations with respect to matters considered in such report.

TERMINATION OF COMMISSION

SEC. 8. The Commission shall continue in operation until thirty days after submitting its report pursuant to section 7, at which time it shall terminate, but the life of the Commission shall in no case extend beyond March 31, 1978.

AUTHORIZATION OF APPROPRIATION

SEC. 9. There are authorized to be appropriated without fiscal year limitation, such sums, but not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act. Such sums shall remain available for obligation until expended.

No funds authorized hereunder may be used for lobbying activities.

DEFINITION

SEC. 10. For the purpose of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Speaker of the House of Representatives.
Vice President of the United States and
President of the Senate.

The Equal Rights Amendment—Origin and Interpretation

Section 1: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2: The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3: This amendment shall take effect two years after the date of ratification.

"... all men are created equal"

The Declaration of Independence, signed 200 years ago, announced two revoluntionary ideas to the world: that governments derive their powers "from the consent of the governed" and the "all men are created equal."[37]

The Founding Fathers did not translate these ideas full blown into the Constitution in 1789 and in any event did not have women in mind when they wrote "the consent of the governed." It was left to the States to establish voting requirements, and slaves, Indians, the mentally unfit, criminals, and women were generally denied the right to vote. It was almost 150 years before the 19th amendment to the Constitution included women among the governed whose consent was required. A number of other amendments were required to translate "the consent of the governed" into reality.

The drafters of the Declaration of Independence almost certainly likewise did not have women in mind when they wrote " . . . all men are created equal," nor did the drafters of the 14th amendment when they began implementing the ideal of equality under the law.

It is not surprising then that the 14th amendment guarantee of "equal protection of the laws" to all persons had little meaning for women until 1971, after the Equal Rights Amendment (ERA) had overwhelmingly been adopted by the House of Representatives and was pending in the Senate. The Supreme Court held then at long last that a State law favoring men as executors of estates was invalid—but without applying the same critical standard of review as the Court applies in cases where laws make distinction based on race or ethnic origin.[38] There have been a few additional decisions since applying the 14th and 5th amendments to State and Federal sex discriminatory laws, but none has treated sex discrimination as seriously as race discrimination cases are treated.

The ERA will secure for women the second revolutionary goal of the Declaration of Independence. "The Declaration of Independence is an expression of hope and the Equal Rights Amendment is an expression of achievement," to quote Professor William B. Aycock of the University of North Carolina.

And again from Professor Aycock:

> "To approve ERA is to announce to the world that we are ready to complete a long, difficult but noble journey . . .
>
> "Those of us who believe that the chosen way of America is to secure the revolutionary goals originating in the Declaration of Independence through legal and peaceful means should ponder this question: Will the rejection of ERA defuse or fuel the activities of the extremists in the women's movement? The passion for equality under law between the sexes will persist. The thrust of history will keep the issue alive. So long as ERA is unratified it will serve as a rallying point for militants and nonmilitants. To enshrine it in the Constitution will isolate the militants from the larger numbers of men and women who seek redress through the orderly processes of government.
>
> "To ratify ERA now will be symbolic of an enrichment of our heritage to pass on to our children. They will spend most of their lives in the third century of this nation. Whatever they may be able to do to cope with the multitude of challenges awaiting them, we may never know. But we may be certain that they will have a better chance if the major battle to achieve equality under the law is won before the torch is passed."

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[37] The first few paragraphs and some later quotations are based on excerpts from a speech by William B. Aycock, Kenan Professor of Law and former chancellor of the University of North Carolina at Chapel Hill. The excerpts were published in the *Washington Star* on Jan. 25, 1976, p. B–1.

[38] *Reed* v. *Reed*, 40.4 U.S. 71 (1971).

Development of the ERA

The ERA was the natural outgrowth of the struggle for the women's suffrage amendment adopted in 1920. The 72 years it took to secure the basic right of suffrage, much of which was spent trying to get voting rights State by State, demonstrated the impossibility of gaining equal legal rights for women step-by-step. It was evident that an overall amendment insuring women equality of rights under the law throughout the land was necessary. So in 1923, Alice Paul of the National Woman's Party wrote the Equal Rights Amendment. The ERA was subsequently introduced in Congress by a Senator and a Representative from Kansas, both Republicans.

Throughout its long history in Congress, the ERA was the subject of many hearings and intensive debate, but it never passed either House of Congress unamended until 1970, when Congresswoman Martha Griffiths' petition to discharge the bill from the House Judiciary Committee was signed by more than half the members of the House of Representatives. The amendment was debated on August 10, 1970, and passed the House of Representatives; however amendments that were unacceptable were added in the Senate.

In response to greatly intensified pressure by women's organizations led by Congresswoman Martha Griffiths, the Congress finally voted for the ERA—the House of Representatives 354 to 23 on October 12, 1971 and the Senate 84 to 8 on March 22, 1972. The passage was preceded by extensive hearings by both the Senate and House Judiciary Committees, and full debate in both Houses, and committee reports were issued explaining the amendment. This discussion was crucial, for it established the ERA's "legislative history," and it is the legislative history which the courts will look to in interpreting the amendment. The Supreme Court is the final authority in interpreting the Constitution, and the Supreme Court and other courts, consistent with our tripartite form of government, look to the intent of the "framers" in interpreting the Constitution and other laws.

The views of the proponents are best expressed in the majority report of the Senate Judiciary Committee. The House Judiciary Committee Report expressed the views of opponents and recommended passage of the ERA with a crippling amendment that was unacceptable to proponents. The House of Representatives by a big majority rejected the committee report and agreed with the "separate views" of the ERA proponents on the House Judiciary Committee. Their views were incorporated in the majority report of the Senate Judiciary Committee, making it the primary document expressing the views of the proponents.

Ratification by the States

By May 1976, 34 of the 38 States needed had ratified: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

Over 100 national organizations including such diverse groups as American Baptist Women, National Secretaries Association, the United Auto Workers, the AFL-CIO, the League of Women Voters, the American Bar Association, the Coalition of Labor Union Women, and the National Council of Negro Women have called for the ratification of the ERA. Practically every organization with a history of commitment to women's rights is in support. The ERA is also endorsed by both national political parties and by all U.S. Presidents starting with Dwight D. Eisenhower.

There is every reason to ratify the ERA: the need for it is clear; the legislative history gives a sound basis for interpretation; and a clear majority of Americans have said repeatedly that all people should be full citizens with legal equality.

Why it is Needed

The ERA is needed to fulfill the American promise of equality; more specifically it is needed:

- To enshrine in the Constitution the moral value judgment that sex discrimination is wrong;
- To insure that all States and the Federal Government review and revise their laws

and official practices to eliminate discrimination based on sex;

- To insure that such laws are never again enacted by governments, including labor laws restricting women's job opportunities;
- To give Constitutional sanction to the principle (ignored in most family law) that the homemaker's role in marriage has economic value that entitles one to full partnership under the law;
- To insure equal opportunity, privileges, and benefits in all aspects of government employment, including admission to the military services and military training schools;
- To insure equality of opportunity in public schools and State universities and colleges; in "manpower" training programs of Federal, State, or local governments, and in governmental recreation programs;
- To insure that the families of women workers receive the same benefits as families of men workers under the Social Security laws, pension plans run by government at any level, and workmen's compensation laws;
- To insure that married women can engage in business as freely as married men and that they can dispose of separate or community property on the same basis as married men;
- To require that married women be permitted to maintain a separate legal domicile from their husband's domicile;
- To require that women prisoners be given the same opportunities and privileges as men prisoners and that sentences be arrived at and administered under the same law for both sexes.

The Opposition

While the credible sources support the ERA and the need for it is clear, many people have been confused by unfounded claims about its presumed effects. The proponents are striving to dispel the misconception and unfounded folklore that continue to obscure the intent and impact of the ERA.

As indicated above the courts will carry out the intent of the framers in interpreting the ERA, and will look to the views of the chief proponents expressed in the majority report of the Senate Judiciary Committee and in the debate.

The following explanations of the effects of the ERA are based on these sources. Phrases and sentences in quotation marks are quoted from the majority report of the Senate Judiciary Committee.

Basic Principle of the ERA

> "The general principles on which the ERA rests are simple . . . Essentially the amendment requires that the Federal government and all State and local governments treat each person, male and female, as an individual.
>
> " . . . The Amendment applies only to governmental action; it does not affect private action or the purely social relationships between men and women."

Effect on the Family

The ERA will not alter family structure, which is based on private relationships and custom.

Obligations for family support, which are in fact obligations to pay creditors, will be based on individual circumstances and not on sex. Congress specifically recognized in the legislative history of the ERA that a homemaker's contribution, whether the homemaker be male or female, has economic value, a fact with far-reaching implications for the homemaker.

> "It is clear that the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligations of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare.
>
> " . . . where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties."

The State of Montana, which has an equal rights amendment in its State constitution, amended its support law in 1975 to specifically recognize the value of the homemaker:

> Duties of husband and wife as to support. In so far as each is able, the husband and wife shall support each other out of their property and labor. As used in this section, the word "support" includes the nonmonetary support

provided by a spouse as homemaker. Section 36–102, Revised Codes of Montana.

Alimony and Child Support and Custody

The effect of the ERA would be to offer fairer treatment on the basis of individual circumstances rather than sex. Courts will be making judgments based on an individual's background and potential earning capacity. The noncompensated contributions of a spouse will be a prime factor in determining support obligations. Currently, the Uniform Marriage and Divorce Act, which provides a model divorce and support law without distinctions based on sex, has been adopted by a number of States.

Divorced parents will be responsible for support of the children *in accordance with their means*, which will be an improvement for women over present practice. Mothers are contributing by and large more than half the support of the children even though they earn less.

State courts are interpreting State equal rights amendments in harmony with the legislative history of the Federal amendment in this and other respects. In no case has a court said that support must be 50–50. On the contrary, a Pennsylvania court has recognized the care given the children by the mother as constituting support stating:

> This is not, of course, to suggest that a mother who is keeping a house and caring for her children must secure the services of a babysitter and seek employment in order to contribute to the children's *financial* support; it is obvious that a mother who is caring for her children is providing them valuable support. *Green* v. *Freiheit*, Court of Common Pleas, First Judicial District of Pennsylvania, Family Division, October Term 1973, No. 1015 D.R. #260259.

Coed Bathrooms

"This right [of privacy] would likewise permit a separation of the sexes with respect to such places as public toilets, as well as sleeping quarters of public institutions."

No bathrooms have been made coed in States having equal rights amendments. Governor Evans of Washington replied when queried on this subject: "The accusations concerning integration of facilities are so ridiculous, we in Washington have ceased to reply to them. Rights of privacy remain fully protected in this State, and thus our restroom facilities, prison cells, and sleeping quarters of public institutions remain totally segregated." (Letter of Feb. 5, 1976 to Ms. Paula Minklei.)

Protective Labor Laws

Too often protective labor laws applying to women only discriminate against women in the job market. Under the ERA, labor laws applying to women only which are restrictive such as weight lifting laws or laws prohibiting employment more than 8 hours a day, will be invalid. There are practically no such laws now operative as a result of court decisions under title VII of the Civil Rights Act of 1964 and legislative action. Complaints under title VII based on application of protective labor laws were all brought by blue-collar union women, who found the laws discriminatory, and the courts agreed. Laws which are beneficial will be extended to cover both sexes

Recision

Two States, Nebraska and Tennessee, have voted to rescind their prior ratification of ERA. However, that action is most likely invalid. Article V of the U.S. Constitution delineates the amending process. In the judgment of many constitutional scholars, the only power given to the States under Article V is to ratify an amendment. Once a State has ratified it has exercised its only power under the Constitution. Congress has traditionally upheld this viewpoint.

Military Service

The ERA will require that women be drafted if men are drafted. There is no draft now and because of the success of the volunteer armed services, there is little likelihood of a draft in the foreseeable future. Also, it must be noted, Congress has always had the power to draft women under its general war powers and probably would in the event of an emergency with or without the ERA. Appropriate exemptions would in such a case be available to men and women.

ERA means that women who choose to enlist will have equal opportunity for enlistment, and hence access to valuable military benefits such as in-service training, GI loans and mortgages, and veterans' preferences for civilian jobs. Unfortunately now women who wish to enlist must meet higher standards than men, and even those who meet the standards may have to wait a considerable period.

As to combat, the ERA does not mean that infantry units will be half women. The military services will have the same right to assign women as they have to assign men and certainly will not assign women to duties they are not capable of performing. There are numerous references to this in the majority report of the Senate Judiciary Committee and in the debate in both Houses of Congress.

The constitutional right of Federal authorities to assign military personnel, as interpreted by the Supreme Court, is so broad that it is probable that women who want to serve in combat units will have to sue in the courts to get admitted to combat units even in small numbers.

Authority of States to Legislate

The Federal Government will have no more power to legislate in any areas reserved to the States than it now has. Both proponents and opponents agreed that the Congress has adequate authority now to enact any legislation needed to end legal discrimination.

The only restriction the ERA places on State legislation is to require that it not discriminate on account of sex. The ERA no more transfers authority to enact domestic relations law, for example, to the Federal Government than the 18-year-old suffrage amendment transferred all power to make voting laws to the Federal Government. The States still write the voting laws but they can't have a minimum age higher than 18. The States will still enact domestic relations laws, but they cannot make distinctions based on sex; they can make distinctions based on function, such as homemaking.

Supplemental Reading Materials

Pamphlets, books, other research materials readily available that were helpful to the IWY Committees.

GENERAL

Chronology of the Women's Movement in the U.S. 1961–1975, D/IWY, Dept. of State, Wash., D.C. 20520 (single copies free).

Decade for Women, World Plan of Action, WEAL, National Press Building, Wash., D.C. 20045 (single copies free).

Hiring Practices of U.S. House and Senate, For sale from Federally Employed Women, 485 National Press Building, Wash., D.C. 20045 ($4).

1975 Handbook on Women Workers, Department of Labor, Employment Standards Administration, Women's Bureau, Bulletin 297, Wash., D.C. 20210 (single copies available free; bulk orders $4.75 from G.P.O.).

Publications of the Women's Bureau, U.S. Dept. of Labor, Employment Standards Administration, Women's Bureau, Wash., D.C. 20210 (single copies free).

The Rights of Women, Susan C. Ross, Discus Books, 1973.

Women in 1974, Citizens' Advisory Council on the Status of Women, Wash., D.C. 20210 (single copies free).

Women in 1975. Citizens' Advisory Council on the Status of Women, Wash., D.C. 20210 (single copies free).

"Women in Politics: A Global Review," Kathleen Newland, Worldwatch Paper 3, Dec. 1975, Worldwatch Institute, 1776 Mass. Ave., Wash., D.C. 20036 ($2).

World Conference of the International Women's Year. Sen. Charles H. Percy, Committee on Government Operations, Sept. 8, 1975, U.S. Government Printing Office, Wash., D.C. 20402.

During the course of the Commission's life, it prepared various publications for distribution to the public. These publications may be ordered from the National Commission for the Observance of International Women's Year, Wash., D.C. 20520.

Federal Laws and Regulations Prohibiting Sex Discrimination, A detailed chart which describes who is covered by and who enforces these laws and how to file sex discrimination complaints.

Chronology of the Women's Movement in the United States, 1961–1975.

Briefing Paper for use of the U.S. Delegation on the Women's Movement, 1960–1975. (Mexico City World Conference, Summer, 1975).

"ERA and the Press." Jill Ruckelshaus, *The Bulletin of the American Society of Newspaper Editors,* Mar. 1976.

How to Move Women Into Appointive Office. Suggestions for groups and individuals on increasing the number of women appointed to public office. Prepared by Marian L. Thompson, Women's Education Resources, University of Wisconsin-Extension under contract with the IWY Commission.

Market Opinion Research Poll of Women in the United States-1975. (Summary)

"Legal Status of the Homemaker in _____." (A leaflet for each State will be published by summer 1976), Homemakers Committee, IWY Commission.

CHILD CARE

Resources for Decision, Edith H. Brotberg, ed., Day Care and Child Development Council, 1971, 1012 14th St., NW., Rm. 1104, Wash., D.C. 20005.

The Future of the Family, Louise Kapp Howe, ed., Simon and Schuster, 1972.

The First Three Years of Life, Burton L. White, Prentice-Hall, 1975.

DAY CARE

Under Lock and Key, Juveniles in Jails and Detention, Rosemary C. Sarri, National Assessment of Juvenile Corrections, Univ. of Mich., Ann Arbor, Mich., Dec. 1974.

EDUCATION

Equal Rights for Women in Education, Rep. No. 77, Education Commission of the States, 300 Lincoln Tower, 1860 Lincoln St., Denver, Colo. 80203. ($2.50). (Also material on title IX, and other areas of law and legislation for Women in Education).

ENFORCEMENT OF THE LAWS

Sex Discrimination—Job Evaluation and Wage Practices Which May Disadvantage Women, Dr. George Hagglund, School for Workers, Univ. of Wis.—Extension, July 15, 1975, 433 Lowell Hall, Madison, Wis. 53706 (single copies free).

Making Civil Rights Sense Out Of Revenue Sharing Dollars, Rep. 50, Feb. 1975, U.S. Commission on Civil Rights, Wash., D.C. 20425 (single copies free).

Minorities and Women as Government Contractors, May 1975, U.S. Commission on Civil Rights, Wash., D.C. 20425 (single copies free).

The Federal Civil Rights Enforcement Effort—1974, U.S. Commission on Civil Rights, Wash., D.C. 20425.

Volume I, "To Regulate in the Public Interest," Nov. 1974.

Volume II, "To Provide . . . For Fair Housing," Dec. 1974.

Volume III, "To Ensure Equal Educational Opportunity," Jan. 1975.

Volume IV, "To Provide Fiscal Assistance," Feb. 1975.

Volume V, "To Eliminate Employment Discrimination," July 1975.

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The Secretariat

The Secretariat was particularly fortunate to have available the wisdom, experience, and commitment of Virginia Allan, Deputy Assistant Secretary of State for Public Affairs and Chair of the 1969 President's Task Force on Women's Rights and Responsibilities. The Secretariat's work was greatly facilitated by the unfailing cooperation of State Department personnel responsible for providing administrative services to the Commission—quarters and budget, personnel, and printing services. Former Deputy Secretary Robert S. Ingersoll was always helpful and generous with his time and wisdom.

In addition to staffing the National Commission on the Observance of International Women's Year and the Interdepartmental Task Force, a parallel body to the Commission, the Secretariat assisted the U.S. Government departments to prepare for the World IWY Conference held in Mexico City, and assisted the U.S. delegation to the Conference.

Following is a list of the persons who served on the Secretariat. Most of the staff served as consultants on a part-time or short-term basis. Many were on detail from other Federal agencies and one from a union; their names are followed by the organization which so generously contributed to IWY:

Coordinator, Mildred Marcy (U.S. Information Agency)
Deputy Coordinator, Catherine East (Labor Department)
Executive Officer, Chandler Roland (State Department)
Writer-Editor, Dorothy Jurney

STAFF MEMBERS

Nancy Arnesen
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Ellen Boddie
Kathleen Bonk (Justice)
Mercedes Botts (Defense Supply Agency)
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Joy Simonson (Civil Service Commission)
Richard Simonson (Department of Health, Education and Welfare)
Agnes Sutphin (State Department)
Marilyn Tank
Margaret Taylor
Anne Tenenbaum (National Aeronautics and Space Administration)

The IWY Bird

By Robin Pogrebin

Dora Levinson lived at 20 W. 88th St. She had two, 2 yr. old twin sisters and one 12 yr. old brother. Dora was 11 herself.

That night Dora was very upset because she had tried out for a Basketball teem at her school and when she arrived at the school gym, the coach came up to Dora and said, "I'm very sorry little girl but I can't except you on my team."

"Why not?" asked Dora, holding back tears.

"Because your a girl. Thats why."

Well Dora could not believe her ears. Slowly she walked out of the gym. As she was walking she began to get mad. Really, really mad!

She harshley brushed her tears away. She swung around and ran back to the gym. She burst open the door. All the boys and the coach looked up from reading the rule book.

Dora suddenly began to blow up from maddness. Her face turned beet red. She then burst out into a speech that bellowed through the whole gym.

"I don't know who made up the stupid rule that girls can't play in the after school basketball games but whoever did was mighty stupid! And if any of you boys think that girls can't play basketball as well as boys can, we-e-l, (Dora said with a teasing chuckle) just play a few games against me and you'll see."

Just then the coach grabbed Dora's arm. "Listen girl, you better stop acting like a stubborn bunch of mules!"

"And you better stop acting at all and start changing your rules!" shouted Dora.

Then the coach jerked Dora's arm. "Owwwww!" screamed Dora. Then Dora did something she never dreamed she would ever do. She slapped the coach accross his face. Then she ran out of the gym, and home.

After dinner that night the whole Levinson family piled into the living room to watch television. Soon Dora's head began to nod. Soon (as you may of guessed) Dora was in a sleeping wonder land.

Hours later Dora woke up. "Hey!" she said with a yawn. "Who turned the t.v. off?"

Dora walked over to her big window, drew the curtains and looked out. She stood there for quite a while, thinking of the coach she began to get mad again but then her madness turned into tears, tears of sadness.

Then as Dora was about to turn to go to bed she saw something strange out of her window. It was something that flyed.

"It is a bird?" thought Dora. "Or is it a plane?"

Just then the whateveritwas landed on Dora's window terrace. Dora opened the two big windows. Dora spoke: "Who are you?"

"I am the International Women's Year Bird. But you can call me IWY for short."

"Alright," said Dora. "But what brings you here?"

"I am here because I think what you did today in school was wonderful."

"Thank you, but how did you know and what does an International Women's Year bird do?"

"Well," answered the bird. "An International Women's Year bird does a lot of things. I like equality between men and women. I like fareness and most of all I fight for women's rights."

"Oh that's very interesting," said Dora. "And the reason that you knew what I did was because I was fighting for women's rights?"

"Exactly and for a reward I am going to take you on a ride all around the town!"

Then Dora climed onto IWY's back and off they flew. Dora saw her school and the playground where she plays with her friends. She saw the supermarket and the Library. She saw so many things. She shrieked with laughter each time she saw a place that she recognized.

Soon they arrived home. Dora thanked IWY for the wonderful ride. Dora watched IWY fly away till she was out of sight. Then she climbed into her bed and went to sleep. No one would believe her so she wasn't going to tell.

Soooo don't be surprised if some time you fight for equality and you wake up that night, with a IWY on your window sill.

The End

Robin Pogrebin, a 10-year-old student at the Walden School in New York, wrote a short story in January 1976 called "The IWY Bird." With very minor editing the piece is presented here. The thoughts and words are all Robin's, as is the spelling.

Robin is one of three children of Bertrand and Letty Pogrebin. The others are Abigail and David. The Pogrebins live in New York City.

U.S. GOVERNMENT PRINTING OFFICE : 19[illegible]—O-216-800

The Commission was established by Executive Order 11832 in January 1975. The presiding officer was Jill Ruckelshaus. Thirty-five Commission members were appointed by the President and two each were appointed by the Senate and the House. All served without compensation. One of the Commission's primary aims was to adopt recommendations aimed at eliminating the inequities that still linger as barriers to the full participation of women in our Nation's life.

The views expressed by the Commission cannot be attributed to any Federal agency.